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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

FIFTH SESSION,

BEGUN AND HELD AT OMAHA CITY,

SEPTEMBER 21, A. D. 1858.

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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA.

House of Representatives,
Tuesday, September 21st, 1858.

In pursuance of the proclamation of His Excellency Governor William A. Richardson, the Legislative Assembly of the Territory of Nebraska, met in Extra Session at the Capitol, on Tuesday the 21st day of September, A. D. 1858.

The House of Representatives met at two o'clock P. M., and

On motion of Mr. De Puy,

Mr. Stewart was appointed Speaker, *pro. tem.*

On motion of Mr. Steinberger,

The rules of the last session were adopted for the government of the House during the temporary organization.

On motion,

The following named officers were appointed to act during the temporary organization:

Chief Clerk, E. G. McNeely,
Assistant Clerk, Harry Creighton,
Sergeant-at-Arms, A. S. Dye,
Door keeper, George Dixon.

On motion of Mr. Seymour,

The Clerk was directed to call the roll of counties in their order, which being done, the following named gentlemen presented certificates of election:

For the District composed of Richardson and Pawnee Counties—Wm. C. Fleming, and A. C. Dean.

For the District composed of Nemaha and Johnson Counties—M. F. Clark, Jesse Noel, and S. G. Daily.

For Otoe County—John Cassell, O. P. Mason, H. P. Bennet, Geo. F. Lee, Wm. B. Hall.

For Cass County—Wm. R. Davis, Wm. J. Young, T. M. Marquette, R. G. Doom.

For Sarpy County—Charles C. Norwood, Stephen H. Wattles.

For Douglas County—James H. Seymour, Clinton Briggs, Augustus Roeder, James Stewart, Wm. A. Gwyer, R. W. Steele, John A. Steinberger, George Clayes.

For the District composed of Dodge and Platte Counties—Henry W. De Puy.

For Washington County—C. D. Davis, P. G. Cooper, L. W. Kline.

For Burt County—David L. Collier.

For the District composed of Dakota, Cedar and L'eau qui Court Counties—John Taffe, D. T. Bramble.

On motion,

The following named gentlemen were appointed a

Committee on Credentials—Messrs. Gwyer, Steinberger, Mason, Bramble, De Puy.

Mr. Steinberger moved to adjourn.

On which the ayes and nays were called, with the following result:

Ayes—Messrs. Bramble, Clark, Clayes, Cooper, Gwyer, Kline, Steele, Steinberger.—8.

Nays—Messrs. Bennet, Briggs, Cassell, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Marquette, Mason, Noel, Norwood, Rankin, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—25.

Lost.

Mr. Gwyer from Committee on Credentials reported the following named gentlemen elected members of the House for this session, viz:

Mr. H. P. Bennet, D. T. Bramble, Clinton Briggs, John Cassell, M. F. Clark, Geo. Clayes, David L. Collier, P. G. Cooper, Wm. R. Davis, C. D. Davis, S. G. Daily, A. C. Dean, R. G. Doom, Henry W. De Puy, Wm. C. Fleming, Wm. A. Gwyer, Wm. B. Hall, L. M. Kline, Geo. F. Lee, T. M. Marquette, O. P. Mason, Jesse Noel, Charles C. Norwood, Augustus Roeder, James H. Seymour, R. W. Steele, John A. Steinberger, James Stewart, John Taffe, Stephen H. Wattles, Wm. J. Young.

Also, B. P. Rankin and Matthew Shields present, without their certificates, and recommended that they be admitted.

On motion of Mr. Seymour,

The report was adopted.

On motion of Mr. Clayes,

A committee of three was appointed to wait upon the Secretary of the Territory and request him to administer the oath of office to the members elect.

The committee performed their duty, when the Secretary appeared and administered the oath in due form.

Mr. Steinberger moved to adjourn.

Lost.

Mr. Seymour moved that the House now proceed to elect permanent officers.

Carried.

Mr. Rankin moved to elect by ballot.

Overruled.

Mr. Mason moved for a suspension of rules in order that the election might be by ballot.

Lost.

Nominations for the office of Speaker being in order,

Mr. Clayes nominated Hon. Wm. C. Fleming.
Mr. De Puy nominated Hon. H. P. Bennet.

Messrs. Miller, Taylor and Doane, Committee from the Council, appeared and informed the House that the Council had organized by the election of

Hon. L. L. Bowen, President,
S. M. Curran, Chief Clerk,
J. G. Treadway, Assistant Clerk,
John McA. Campbell, Sergeant-at-Arms,
John Reck, Doorkeeper,

and were now ready to proceed to business.

Mr. Kline moved to reconsider the motion to elect permanent officers.

Lost.

Mr. Rankin moved that members be privileged to interrogate the candidates for the office of Speaker, in regard to their political sentiments.

On which the ayes and nays were called—result as follows:

Ayes—Messrs. Bennet, Bramble, Cassell, Clark, Clayes, Cooper, Doom, Fleming, Gwyer, Hall, Kline, Norwood, Rankin, Roeder, Shields, Steele, Steinberger, Young.—18.

Nays—Messrs. Briggs, Collier, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Marquette, Mason, Noel, Seymour, Stewart, Taffe, Wattles.—14.

Carried.

After which the House proceeded to vote for Speaker.

The roll being called, the vote stood as follows:

For Mr. Bennet—Messrs. Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, De Puy, Hall, Lee, Marquette, Mason, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—17.

For Mr. Fleming—Messrs. Bramble, Clark, Clayes, Cooper, Dean, Doom, Gwyer, Kline, Noel, Rankin, Steele, Steinberger.—12.

For Mr. Gwyer—Mr. Collier.—1.

For Mr. Stewart—Mr. Norwood.—1.

Mr. Bennet having received a majority of all the votes cast, was declared duly elected Speaker.

On motion,

Messrs. Rankin and De Puy were appointed a committee to conduct the Speaker elect to the Chair.

The Speaker having taken the Chair,

The House proceeded to elect a Chief Clerk.

The roll being called, the vote stood as follows:

For H. N. McGuire—Messrs. Bramble, Clark, Clayes, Cooper, Fleming, Gwyer, Kline, Noel, Rankin, Steele, Steinberger.—11.

For E. G. McNeely—Messrs. Bennet, Briggs, Cassell, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Hall, Lee, Mason, Marquette, Norwood, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—22.

Whereupon, E. G. McNeely was declared duly elected.

The roll being now called for the election of an Assistant Clerk, the vote stood as follows:

For Harry Creighton—Messrs. Bramble, Clark, Clayes, Collier, Fleming, Gwyer, Rankin, Steele, Steinberger.—9.

For Hugh McNeely—Messrs. Bennet, Briggs, Cassell, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Hall, Kline, Lee, Marquette, Mason, Noel, Norwood, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—24.

Whereupon, Hugh McNeely was declared duly elected.

The roll was now called for the election of Sergeant-at-Arms.

The vote was as follows:

For Lewis Driskell—Messrs. Bramble, Clayes, Cooper, Fleming, Gwyer, Kline, Norwood, Rankin, Shields, Steele, Steinberger, Wattles.—12.

For J. D. N. Thompson—Messrs. Bennet, Briggs, Cassell, Clark, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Hall, Lee, Marquette, Mason, Noel, Roeder, Seymour, Stewart, Taffe, Young.—21.

Whereupon, J. D. N. Thompson was declared duly elected.

The roll was now called for the election of a Doorkeeper, and the vote stood as follows:

For George Reeves—Messrs. Bramble, Clark, Clayes, Collier, Cooper, Dean, Doom, Fleming, Gwyer, Kline, Noel, Norwood, Rankin, Shields, Steinberger, Steele.—16.

For E. H. Rogers—Messrs. Bennet, Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, De Puy, Hall, Lee, Marquette, Mason, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—17.

Whereupon E. H. Rogers was declared duly elected.

The House now proceeded to elect a Chaplain.

The roll being called, the vote stood as follows:

For Rev. Smith—Messrs. Briggs, Clayes, Davis of Cass, Davis of Washington, Daily, Lee, Marquette, Mason, Noel, Rankin, Shields, Steinberger, Stewart, Taffe, Wattles.—15.

For Rev. Watson—Messrs. Collier, Dean, Gwyer, Norwood.—4.

For Rev. Bergen—Messrs. Hall, Roeder, Seymour, Young.—4.

For Rev. Barnes—Messrs. Bennet, Bramble, Cassell, Clark, Cooper, Doom, De Puy, Fleming, Kline, Steele.—10.

There being no election, the roll was called a second time, with the following result:

For Rev. Barnes—Messrs. Bramble, Cassell, Clark, Cooper, Doom, De Puy, Kline, Lee, Steele.—9.

For Rev. Bergen—Mr. Hall.—1.

For Rev. Watson—Messrs. Collier, Gwyer.—2.

For Rev. Smith—Messrs. Bennet, Briggs, Clayes, Davis of Cass, Davis of Washington, Daily, Dean, Fleming, Marquette, Mason, Noel, Norwood, Rankin, Roeder, Seymour, Shields, Steinberger, Stewart, Taffe, Wattles, Young.—21.

Whereupon, Rev. Smith was declared duly elected.

On motion,

Messrs. Daily and Rankin were appointed a committee to wait upon the Hon. Secretary of the Territory, and request him to administer the oath of office to the officers.

The committee having discharged their duty, Secretary Morton appeared and administered the oath in due form.

On motion of Mr. Davis of Washington,

The House adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, Sept. 22, 1858.

House met pursuant to adjournment.

Prayer by Rev. Gaylord.

Journal of yesterday read and approved.

Mr. Collier moved that a Committee of Three be appointed to inform the Council that the House had organized, and to invite that body to take seats in the Hall of the House, in order to hear any communication from the Executive.

Carried.

Committee—Messrs. Collier, Kline, Daily.

On motion of Mr. Clayes,

The House Rules of last session and Jefferson's Manual, when not in conflict, were adopted for the government of the House during this session.

On motion of Mr. Clayes,

The north side of the Hall was vacated, for the use of the members of the Council.

The following Message from the Council was received:

COUNCIL CHAMBER,
Sept. 22, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have appointed a Committee of Two, consisting of Messrs. Moore and Scott, to act with a similar committee on the part of the House, to wait upon His Excellency the Governor, and inform him of the organization of the two bodies.

S. M. CURRAN, Chief Clerk.

Mr. Steinberger offered the following resolution:

Resolved, That the members of the Council, and ex-members of the Council and House of Representatives, be allowed to take seats within the bar, at pleasure.

On motion of Mr. Stewart,

The resolution was laid on the table.

On motion of Mr. Gwyer,

The Major-General of the Territorial Militia, was admitted to a seat within the bar, at pleasure.

On motion of Mr. Clayes,

A Committee of Two was appointed to act with a like committee from the Council, to wait upon His Excellency the Governor, and inform him of the organization of the two Houses.

Committee—Messrs. Clayes and Noel.

On motion of Mr. Clayes,

A Committee of Two was appointed to inform the Council, that the House was now ready to receive that body.

Committee—Messrs. Clayes and Young.

The members of the Council now appeared, when the Council and House of Representatives went into Joint Convention.

Hon. L. L. Bowen, President of the Council, in the Chair.

On motion of Mr. Miller,

A Committee of Five was appointed to wait upon His Excellency the Governor, and inform him that the Legislature was now ready to receive any communication from him.

Committee—Messrs. Miller, Scott, Stewart, Hall and Clark.

The committee having discharged their duty,

The Governor appeared and delivered the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Legislative Assembly:

The people of Nebraska have confided to you the important trust of enacting such laws for the protection of their rights and interests as the exigencies of the times and the circumstances by which we are surrounded demand.

The only law under which crime can be punished in this Territory, is the Common Law of England. All other criminal laws have been abolished by the Act of a previous Legislature. The Common Law of England is so uncertain and doubtful in reference to every proceeding and offence, and its punishment, that every point will have to be adjudicated before even the courts can tell what the law is.

Thus, while serious doubts have been entertained as to whether some offences can be punished at all under that law, it has been clear that perjury, forgeries, and all offences designated as felonies, are punishable with death; a penalty which renders the strict administration of that law repugnant to our ideas of justice and humanity, and inapplicable to the age and country in which we live.

Almost all the States of the Union have adopted criminal laws, making the punishment for crime in most cases different from what they were at common law, clearly defining crimes and the penalties. And with their examples before us, it is not a difficult matter to perfect and adopt a Criminal Code for this Territory, which shall at once provide for the just and certain punishment of all offenders.

Having thus briefly called your attention to the important necessity of enacting a wholesome and judicious system of criminal laws, I desire in the same connection to call your attention to the necessity of passing laws clearly defining the jurisdiction and duties of Justices of the Peace, Constables, and other officers of the Territory. It is impossible to have the laws administered by inferior officers unless their duties and jurisdiction are clearly defined by statute laws. Each member of the Legislative Assembly is aware of the fact, that the Justices of the Peace in the Territory have refused to investigate charges of crime or preserve the peace, or do any other act, unless they could find the authority in the statute for so doing. I therefore invite your attention to the importance of this subject.

I submit herewith the reports of the Auditor, and Treasurer of the Territory.

By the Auditor's Report it will be seen that the total outstanding liabilities of the Territory are $15,774.95. It will be seen by the Treasurer's Report, that "five counties only, viz: Dodge, Douglas, Cass, Otoe and Nemaha, have paid any revenue into the territorial treasury, and the counties mentioned have not paid the full amount due of them up to this time."

Both the Treasurer and Auditor recommend changes in the Revenue Law, or the enacting of a new one. I present their recommendations to your favorable consideration, as also the recommendation of the Auditor for the procurement from the different Land Offices of a list of lands pre-empted, so as to subject them to taxation.

The passage of a law that would secure the prompt payment of taxes now due, and to fall due the coming year, would pay off the present liabilities and meet the expenses of the Territory. Justice and wisdom dictate the necessity of the passage of such a law.

The salaries of the Auditor and Treasurer are insufficient remuneration for the amount of duty they have to perform. Their compensation should be increased.

I issued instructions, during the summer, to the District Attorneys, to file information in the proper courts against each of the banks that had failed to redeem their notes, when presented for payment, with the view to have their charters forfeited. The cases are now pending, as I am informed, and undecided. While I should not have approved any bank charter that has been adopted in the Territory, and while believing the principle upon which they are based wrong, and the effect injurious, I had no intention to interfere with any corporation that had complied with the law. In all their rights they are entitled to protection. I am not advised whether application will be made by any of them for relief. If such applications are made, serious difficulties interpose, unless the banks deposite securities to redeem their issues with some public officer to be designated by law.

The charters, as passed, made the stockholders responsible for the issues of the banks. If the time of redemption is extended by the legislature, a question may arise as to whether the stockholder is not discharged unless he assents to the extension.

I suggest to you the propriety of fixing by law the evidence which shall be sufficient to transfer stocks in the Banks in future.

A law limiting the prosecution of suits in the Territory, is dictated by prudence and necessity. In some of the States of the Union the limitation of actions for the recovery of rights, by law, are extended to a long period of time, in others, the period of time is very short; reason and justice point to a period of time between these extremes that should be adopted by the Territory.

Your attention is directed also to the law now in force relative to Notaries Public and Commissioners of Deeds. You will find that while only one Commissioner is allowed to the largest cities in the Union, Notaries are to be commissioned without limit in the smallest towns of the Territory. A new law regulating the appointment of these officers is needed. Appropriations have heretofore been made by Congress to construct two roads in the Territory. One from Platte river to L'Eau qui Court, and the other from the Missouri river to Fort Kearney, but have proved inadequate to complete them as designed. A further appropriation is therefore necessary. The roads are of great importance to the people of the Territory and the General Government, and it is believed that further appropriations will be made and the road speedily completed.

At the last session of the Legislature, the then Acting Governor in his Message made the following recommendation: "A memorial should also be forwarded praying for an appropriation for a Military Bridge across the Platte river. All good citizens ardently desire that the sectional alienation heretofore existing between the two sections of the Territory should cease forever, and will heartily approve the endeavors of your honorable body to contribute to such a result. The importance of the earliest transmission of these memorials to Congress should elicit immediate action."

The subject is important enough to be again referred to.

There are other subjects which will demand your attention and consideration during the present session, and it will afford me great pleasure to co-operate in whatever will conduce to the public welfare. I congratulate you, gentlemen, upon the present prosperous condition of the Territory. We have enough produce to supply the wants of our own people, together with those of the emigrant, and yet more for exportation to those upon whom the harvest sun has smiled less propitiously. The husbandman has drawn wealth from the cultivation of our broad and fertile prairies by that untiring industry which has in all ages of the world been the sure and certain precursor of a Nation's greatness, power and wealth. But this wealth of the soil sinks into comparative insignificance when contrasted with that wealth which is hidden beneath it—those vast stores of mineral and coal which underlie the greater portion of the Territory. The most superficial investigations prove the existence of coal and iron in abundance. And now hundreds of our sturdy sons of the border are en route for the western portion of our Territory, in pursuit of gold. And giving credence to apparently well authenticated reports from Cherry creek and Laramie peak, a new Eldorado has been opened in our very midst which shall give an impetus to every branch of industry, and eventually make the great valley of the Missouri not only the garden, but the central money power of the Union.

In this connection, the importance of a memorial to Congress asking an appropriation to defray the expense of a geological survey of Nebraska, can but be appreciated. Such a memorial from you will, undoubtedly, secure the desired assistance, and greatly aid in revealing the untold mineral wealth of the country.

The Pacific Rail Road, which thus far has only had its existence in the thoughts and plans of men, will soon become a reality, having a permanent being. And the true route for that road and the true interests of its constructors will most certainly lead it up the rich and beautiful valley of the Great Platte. American energy and enterprise are as determined to carry out this great project of connecting the two oceans by bonds of iron, as they were to bring Europe and America into talking distance with each other, by means of the Atlantic Telegraph Cable, and the success of the one only establishes the more certain fulfillment of the other.

Nebraska occupies a position in the very heart of this great Republic, and as she now is the geographical center of the Union, so shall she soon become the commercial. Standing, as we do, midway between the Atlantic and the Pacific, where the wealth and commerce of both oceans shall pay tribute to our people, their wealth, their advancement, and their power is inevitable. With a soil unsurpassed in fertility, and a climate whose healthful influences are admitted by all, settled upon by a class of people whose industry, enterprise and intelligence is fast converting the wilderness into a garden, who shall dare portray the fullness and prosperity of that splendid destiny which is reserved for the future State of Nebraska?

Since the adjournment of the last Legislative Assembly, the Territory has lost one of her brightest intellects, one whose genius and attainments had inspired his many friends with high hopes, and marked out for him a brilliant and useful future. T. B. Cumming, Secretary of the Territory, has been called away forever.

Having resigned the place I now occupy, my official connection with you will soon cease; I can therefore have no interest, no wish, and no inclination to enter into any local agitation. But, upon the other hand, I wish in some degree to contribute to the advancement and improvement of the Territory.

I shall recur with pleasure to the many kindnesses of the people of the Territory towards me, and carry with me the recollection that I have endeavored faithfully to promote the public welfare.

In conclusion, permit me to urge you, gentlemen, to discard all local feeling, all jealousies, and unite where interests are the same and where opinions can not be divided in passing the laws so necessary for the interests of those you represent.

I hope peace, concord and harmony may characterize your deliberations, and that you may so discharge your duties as to merit and receive the approval of your constituents after your labors shall have been completed.

W. A. RICHARDSON.

Executive Department, Omaha, Sept. 22, 1858.

TREASURER'S REPORT.

OFFICE OF THE TERRITORIAL TREASURER,
Omaha, Neb., Sept. 20, 1858.

To His Excellency W. A. Richardson,
Governor of Nebraska:

Sir—In compliance with the requirements of the law specifying the duties of the Territorial Treasurer, I herewith submit a statement of the condition of the Treasury.

It will be seen that five counties only, viz: Dodge, Douglas, Cass, Otoe and Nemaha, have paid any revenue into the Territorial Treasury, and the counties mentioned have not paid in the full amount due from them up to this time.

Complaints have been made by County Treasurers, of inability to collect the Territorial Revenue, on account of the insufficiency of the Revenue Law, and the lack of authority necessary to warrant the proper officers in forcing the sale of property for taxes. Under this state of things, the propriety and the necessity of a stringent Revenue Law can not be doubted, and it is advisable that the Legislature should enact such a law, and make ample provision for carrying it into effect. It is important for the credit and well being of the territory, that its indebtedness should be promptly met, both principal and interest. The holders of the territorial warrants are pressing in their demands for payment; and the neglect by former Legislatures of making provision for their payment, has caused these warrants to be thrown into the market, and sold at rates ruinous to the credit of the Territory, and profitable to the speculator.

The interest due since July 1, 1857, on the loan authorized by the Territory, remains unpaid (with the exception of $55), no funds having been in my hands to meet such payment of interest.

Respectfully submitted,
W. W. WYMAN,
Territorial Treasurer.

Territory of Nebraska, in account with W. W. Wyman, Territorial Treasurer.

1856.		Dr.	Cr.
May 14.	By amount received of W. Caldwells, Treasurer Cass County,		$66.30
June 16.	By amount received of Isaac Underwood, Treasurer Dodge County,		20.20
do 16.	To amount paid I. Underwood, Treasurer, mileage and fees,	$14.50	
do 16.	By amount received of W. Hoblitzell, Treasurer Nemaha County,		30.00
July 1.	By amount received of F. R. West on Territorial Bonds,		4000.00
	To amount of Warrants redeemed by Loan Fund,	4000.00	

			Dr.	Cr.
Dec.	15.	To paid Warrant No. 18, E. L. Sharp,.....	$5.00	
do	18.	do for books for Treasurer's office,...	5.00	
do	18.	do drawing Territorial Bonds,........	5.00	
1857.				
Jan.	1.	do semi-annual interest on Ter. Bonds,	300.00	
Feb.	13.	By amount received of J. W. Pearmon, Treasurer Otoe County,..............		$250.00
July	7.	By amount received of Admin. T. G. Goodwill, Treasurer Douglas County,......		377.67
do	7.	To paid semi-annual interest on Ter. Bonds,	300.00	
do	18.	By amount received of J. W. Pearman, Treasurer Otoe County,..............		108.33
Aug.	13.	By amount received of Admin. T. G. Goodwill, Treasurer Douglas County,......		978.06
Sept.	10.	By amount received of J. D. W. Thompson, Deputy Treasurer Douglas County,....		260.00
do	26.	To paid Warrant No. 9, C. B. Smith,......	175.00	
1858.				
Jan.	4.	To paid G. C. Monell on interest due on Territorial Bond, Jan. 4, 1858,...........	55.00	
		To amount of Warrants in the Treasury, received of County Treasurers,.......	1238.26	
		Balance,................................		7.20
			$6097.76	$6097.76
Balance due W. W. Wyman, Treasurer,............			7.20	

RECAPITULATION.

Amount of Warrants redeemed with cash,.................	4180.00
Amount of Warrants received from County Treasurers,......	1238.21
	$5418.21

AUDITOR'S REPORT.

Omaha City, Nebraska,
Sept. 15, 1858.

Hon. Wm. A. Richardson,
Governor of Nebraska:

Dear Sir—In compliance with your request, I herewith submit for your examination, the statement of the issue of treasury warrants from July 11th, 1855, to September 1st, 1858, comprising the total amount issued from the organization of the Territory to the present time:

For expenses incurred during the different sessions of the Legislature, as firemen, engrossing clerks, indexing journals, &c., &c.,........................	$6328.05
For canvassing election returns and a special messenger bearing returns, &c., &c.,........................	300.00

For incidental expenses, hauling guns, rent of arsenal, repairing capital, &c.,		$259.00
For salaries of Territorial officers, Auditor, Librarian and Treasurer,		2511.25
For services paid for taking census,		2336.25
For amount issued to District Attorneys,		4913.86
Total amount of warrants issued,		$16648.21
Add to the above:		
Amount of bonds issued by Treasurer according to an act of the Legislature,		4000.00
Amount forward,		$20648.21
Amount of interest due on bonds, July 1, 1858 (unpaid),		545.00
		$21193.21
Deduct from the above:		
Amount of warrants redeemed with cash by Treasurer,	$4180.00	
Amount rec'd from County Treasurers for taxes,	1238.26	
		$5418.26
Total outstanding warrants, bonds, and interest on bonds,		$15774.95

The foregoing amount embraces all the debts of the Territory, for which the warrants or other obligations of the Territory have been issued.

The necessity for an efficient and just Revenue Law, is so apparent, that I deem it only necessary for me to allude to the same; your Excellency having, no doubt, duly considered the wants of the Territory in this respect.

As a law will undoubtedly be passed, at the coming session of the Legislature, for the collection of the Revenue of the Territory, which law will not in all probability go into effect before next year, I have thought it proper to call your attention to the unpaid taxes of the present year. The Collectors of the Revenue, in the different counties, complain of the inefficiency of the present law, in aiding them in making their collections; and I would suggest the propriety of passing a special act providing for the collection of the taxes of 1858; or so to amend the present law as to enable them to collect promptly, and pay the funds into the Treasury, to meet the present indebtedness of the Territory. Another matter of great importance, in connection with the foregoing, is, the most of the counties have not been able to procure, from the different Land Officers, a list of all the pre-exempted lands in their respective counties, as they have no correct means of ascertaining the names of the persons entering the lands, and a description of the same, except through the Land Office. I would suggest, that some officer be empowered to procure a full and complete list of all lands that have been entered, giving a description of the same in section, township and range, together with the name of the person entering the same. It could be done at the expense of the Territory, and each county furnished with its list, and charged with its due proportion of the expense.

In conclusion, I wish to call your attention to the present small remuneration in the way of salaries to the Territorial Officers. As the labors of the Treasurer, and Auditor in particular, will be greatly increased by the passage and operations of the new Revenue Law, the present rates of salaries should be so altered as to justify the officers in devoting the time and attention to the wants of the different officers and the interests of the Territory require.

All of which is respectfully submitted,
R. C. JORDAN,
Territorial Auditor.

On motion of Mr. Reeves,
The Joint Convention adjourned.
The House having resumed business,

Mr. Steele moved, that the Chief Clerk be authorized to procure two thousand printed copies of the Governor's Message for the use of the House.

On motion of Mr. Clark,
The motion was laid on the table.
On motion of Mr. Clayes,
The members of the House proceeded to draw for seats.
On motion of Mr. Stewart,
Henry F. Crowell was by acclamation elected Page.
On motion of Mr. Stewart,
The Page was allowed three dollars per day.
The following was received from the Council:

COUNCIL CHAMBER,
Sept. 22, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council have adopted the accompanying Joint Resolution, relative to "Joint Rules," and the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Marquette offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to make all necessary arrangements with the Postmaster of this city, by which all mail matter directed to members and officers of this House, may be delivered to him.

On motion,
The resolution was adopted.
Mr. Clark offered the following resolution:

Resolved, That the Secretary of this Territory be instructed to procure the printing of two thousand copies of the Governor's Message, for the use of the House.

On motion of Mr. Mason,
The resolution was laid on the table.
Mr. Hall offered the following resolution:

Resolved, That this House hold one session each day, and that said session open at nine o'clock A. M., and close at 2 o'clock P. M.

On motion of Mr. Clark,
The resolution was laid on the table.
Mr. Mason offered the following resolution:

Resolved, That this house meet at nine o'clock A. M., and hold but one session each day.

On motion,
The resolution was adopted.
Mr. Rankin offered the following resolution:

Resolved, That the Secretary of the Territory be requested to lay before this House, any information or instructions which he may have in his possession, relative to the payment of moneys for newspapers for the use of members, postage or public printing, and for the payment of the *per diem* of the members and officers of this extra session of the Legislature.

Mr. Daily moved to lay the resolution on the table.
Lost.
On motion,
The resolution was now adopted.
On motion of Mr. Stewart,
The House adjourned.

THURSDAY, Sept. 23, 1858.

House met at nine o'clock A. M.
Prayer by the Chaplain.
Journal of yesterday read.
The Speaker announced the Standing Committees, as follows:

STANDING COMMITTEES.

Privileges and Elections—Messrs. Briggs, Marquette, Taffe, Steele and Gwyer.

Ways and Means—Messrs. Daily, Fleming, Rankin, Kline and Seymour.

Judiciary—Messrs. Mason, Stewart, Collier, Marquette and Steele.

Agriculture—Messrs. Seymour, Cassel, Cooper, Shields and Noel.

Militia—Messrs. Doom, Mason, Clark, Wattles and Steinberger.

Accounts and Expenditures—Messrs. Hall, Wattles, Wasson, Steele and Ramsay.

Public Buildings and Grounds—Messrs. Clayes, Rankin, Dean, Shields and Doom.

Engrossed and Enrolled Bills—Messrs. Noel and Lee.

Federal Relations—Messrs. Fleming, Gwyer, Marquette, Young and Dean.

Corporations—Messrs. Stewart, Davis of Cass, Ramsay, Kline and Bramble.

Banks and Currency—Messrs. De Puy, Stewart, Clayes, Kline and Norwood.

County Seats and County Boundaries—Messrs. Davis of Washington, Daily, De Puy, Taffe and Bramble.

Library—Messrs. Gwyer, Norwood, Cooper, Lee and Steele.

Common Schools—Messrs Roeder, De Puy, Clayes, Cooper and Young.

Public Printing—Messrs. Stewart, Gwyer, Seymour, Mason and Noel.

Roads—Messrs. Rankin, Clark, Taffe, Lee and Shields.

Internal Improvements—Messrs. Taffe, Fleming, Briggs, Davis of Cass, and Dean.

Mr. Rankin offered the following resolution:

Resolved, That it shall not be in order to discuss in this House, or take any action whatever, except by reference to appropriate committees; or attempt to enact any local or special laws, until after the passage or other disposal by this House of a Civil Code or act to regulate the practice and proceedings in Courts of Justice—a Criminal Code—an act for the better regulation of Common Schools, and until after the disposal by passage, rejection or otherwise of any other laws of a general nature which may come before it.

Laid over, under rule.

The following joint resolution, from the Council was now taken up and adopted:

Resolved, By the Council and House of Representatives, That a Joint Committee of Two, on the part of the Council, and Three on the part of the House of Representatives, be appointed, to prepare and report Joint Rules for the government of the two bodies.

Committee—Messrs. Collier, Briggs and Steele.

The following notices of bills were given:

By Mr. Mason,

Of a bill to regulate the practice, pleadings and proceedings of the Courts of Law in the Territory of Nebraska.

By Mr. Steele,

Of a bill to exempt the homestead of families from execution.

By Mr. Collier,

Of a bill to regulate the appointment and define the powers and duties of Notaries Public.

Also,

Of a bill to authorize certain officers to administer oaths and affirmations, and take acknowledgments.

Also,

Of a bill for a law of mechanics' liens.

Mr. Rankin moved to suspend the rules, in order to take up the resolution in relation to excluding all local or private bills until certain laws had been acted upon.

On which the ayes and nays were called, with the following result:

Ayes—Messrs. Briggs, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, Fleming, Gwyer, Hall, Kline, Lee, Mason, Noel, Rankin, Roeder, Shields, Steele, Taffe, Young.—23.

Nays—Messrs. Bramble, Cassell, De Puy, Marquette, Seymour, Stewart, Wattles.—7.

Carried.

The resolution having been taken up,

Mr. Gwyer offered the following substitute:

Resolved, That it shall not be in order to introduce in this House any acts of a local or private character, until after the introduction of a Criminal Code, a Civil Code, Revenue Bill, School Bill and Homestead Bill.

Mr. Davis of Washington moved to lay both resolution and substitute on the table.

The ayes and nays being demanded, a call of the House was ordered.

Absent—Messrs. Clayes, Norwood and Steinberger.

On motion,

Messrs. Norwood and Steinberger were excused.

Mr. Clayes having taken his seat,

On motion,

All further proceedings under call were dispensed with.

The ayes and nays were then called on the motion to lay on the table:

Ayes—Messrs. Bramble, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Marquette, Roeder, Seymour, Stewart, Wattles, Young.—13.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Collier, Cooper, Fleming, Gwyer, Hall, Kline, Lee, Mason, Noel, Rankin, Shields, Taffe.—16.

Lost.

Mr. Steele moved to amend substitute as follows: After the words "Homestead Bill" add, "or any other laws of a general nature."

Lost.

Question had on adopting substitute.

Lost.

Question now had on original resolution.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Dean, Fleming, Gwyer, Hall, Kline, Lee, Mason, Noel, Rankin, Roeder, Seymour, Shields, Steele, Taffe.—21.

Nays—Messrs. Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Marquette, Stewart, Wattles, Young.—9.

Carried.

The following communication from Hon. J. Sterling Morton, Secretary of the Territory, was received:

SECRETARY'S OFFICE,
Omaha City, Sept. 23, 1858.

Gentlemen of the House of Representatives:

In compliance with a resolution that was passed by your Honorable Body on yesterday, asking for information relative to the disbursements of moneys for public printing, newspapers for members, and postage, I have the honor to submit the following information:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
August 20, 1858.

* * * * In making your disbursements, I have to prescribe, as your guides, the 12th section of the Organic Act of Nebraska (vol. 10, Statutes at Large, p. 282); the 117th paragraph of the Act of May, 18, 1842, particularly the last proviso (vol. 5, Stats., p. 480), and the second section, Act August 29, 1842 (vol. 5, Stats., p. 541).

Proper attention to these enactments must make a right course certain. There may occur, however, under the incidental head, items of expense of doubtful propriety. Before paying any of these you should consult the accounting officers.

I am, respectfully, your ob't serv't,
W. MEDILL, Comptroller.

That part of the Organic Act referred to, i. e., the twelfth section, reads as follows:

"The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimating according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall so preside. And a Chief Clerk, and Assistant Clerk, a Sergeant-at-Arms, and Doorkeeper, may be chosen for each House; and the Chief Clerk shall receive four dollars per day, and the said other officers three dollars per day during the session of the Legislative Assembly; but no other officer shall be paid by the United States: Provided, that there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a Clerk of the Executive Department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of Legislative Assembly, the printing of the laws, and other incidental expenses, and the Governor and Secretary shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid money shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress, making the appropriations; nor beyond the sums thus appropriated for such objects."

Passing from the Organic Act to the last provision of the 117th paragraph of the Act of May 18, 1842, the following language may be found:

STATUTES AT LARGE, VOL. V., P. 480.

* * * * "And provided, further: That the Legislative Assembly of no Territory shall hereafter, in any instance or under any pretext whatever, exceed the amount appropriated by Congress for its annual expenses."

The next reference to the Statutes at Large, i. e., the second section, Act, August 27, 1842, volume 5, Statutes, page 542, informs me of my duties in this wise:

STATUTES AT LARGE, VOL. V., P. 541.

"*And be it further enacted*, That all accounts for disbursements in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the Legislature of any Territory, directing the expenditure of the sum, shall be deemed sufficient for such disbursement, but sufficient vouchers and proof for the same shall be required by said accounting officers. And no payment shall be made or allowed unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress. No session of the Legislature of a Territory shall be held until the appropriation for its expenses shall have been made."

In relation to the subscribing for newspapers by members of the Legislative Assembly, I have the honor to transmit the following letter. The sum named as the maximum expenditure for newspapers, one hundred and fifty dollars, will, when divided among the forty-eight members and two Chief Clerks of the Legislative Assembly, give three dollars to each person, and for that amount only shall I be responsible to publishers:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
September 8, 1858.

J. Sterling Morton, Esq., Secretary of the Territory,
Omaha City, Nebraska.

Sir—In your letter of the 24th ultimo, you inquire as to the propriety of furnishing newspapers, at the expense of the government, to the members of the Legislative Assembly. There appears to be but one reason why such an expense should be borne by the United States, in common with the other expenses attending the Legislative Assembly, and it is this: The representatives of the people should be kept advised of public opinion in the Territory as to their acts, and this is effected through the medium of the newspapers. An economical expenditure on this account has always been recognized by the accounting officers, and will be in the case of your Legislature. An expenditure to the extent of from $125 to $150, has in general covered this item; at any rate, you are instructed not to go beyond that limit.

I am, respectfully, your ob't serv't,
W. MEDILL, Comptroller.

Relative to the present session, I submit the following letter:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
September 6, 1858.

J. Sterling Morton:

Sir—You inquire in substance, in your letter of the 24th ult., whether, in the event the Legislative Assembly is convened on the day fixed by law, namely, the first Monday in January, notwithstanding the session called to begin on the 24th inst., the expenses attending it can be paid by the United States.

The twelfth section of the Organic Act of Nebraska, provides among other things: "That there shall be but one session of the Legislature annually, *unless on an extraordinary occasion*, the Governor shall think proper to call the Legislature together." There can, therefore, be no question as to the liability of the United States to pay the expenses attending an extra session of the Legislative Assembly, when made necessary by some "extraordinary occasion."

In the present case, the local laws of the Territory enacted heretofore, having been found insufficient to effect the purposes intended in their enactment, the Governor finds it necessary to call into requisition that power whose function it is to supply the deficiency. This he has done in his proclamation convening the Legislative Assembly on the 21st inst. But while the "occasion" prompting such action on his part, is apparently of a character sufficiently important to bring the session within the meaning of the term "extraordinary," as expressed in the law, he does not so regard it. On the contrary, he makes it the "'regular' session, convened in advance of the time fixed by law." Should the Assembly so esteem it, and find time within the limits prescribed by law, namely, forty days, to transact also the business that would occupy them during the "regular" session, it is in their power to legalize it. It is plain the mere proclamation can not. The law, however, makes this restriction: *The expenses must not exceed the amount appropriated.*

That amount for the fiscal year ending 30th June, 1859, is $20,000, of which a portion has been already advanced you.

If, therefore, the Assembly refuses to legalize the coming session, the restriction indicated is an obstacle that can not be overcome; and the average annual expense of that body makes it plain that, without a more economical management than has characterized former years, the expenses of an extra session may be incurred without the means to pay them.

I am, respectfully, your ob't serv't,
W. MEDILL, Comptroller.

Relative to postage, the usual arrangements have been made, and this office will be responsible for postage of members during the session, provided it be legalized or regularized as specified in the letter above.

Respectfully, &c.,
J. STERLING MORTON,
Secretary of Nebraska.

Mr. Rankin moved that the communication be referred to a Select Committee of Five.

Carried.

Committee—Messrs. Rankin, Taffe, Stewart, Briggs, Hall.

The following notices of bills were given:

By Mr. Gwyer,
Of a bill to provide for the collection of a revenue.
By Mr. Noel,
Of a bill to restrain and prohibit gaming.
By Mr. Davis of Washington,
Of a bill to revive the Criminal Code of 1856.
By Mr. Gwyer,
Of a bill entitled a Homestead Act.

On motion of Mr. Young,
The resolution relative to printing the Governor's Message was taken up.

On motion of Mr. Fleming,
The resolution was referred to the Select Committee to which was referred the communication from Hon. Secretary Morton.

The following notices of bills were given:

By Mr. Doom,
Of a bill for a valuation and appraisement law.
By Mr. Clark,
Of a bill for the regulation of dram shops and dram shop keepers.
The Governor's Message was now taken up, and
On motion of Mr. Clayes,
Was postponed until to-morrow.

The following notices of bills were given:

By Mr. Mason,
Of a bill to repeal an act entitled, an act to repeal certain acts of the Legislative Assembly, passed the first session of the Legislative Assembly, passed at the third session, A. D. 1857.
By Mr. Kline,
Of a bill to repeal the Attachment Law.
By Mr. Rankin,
Of a Memorial praying Congress for an additional appropriation of moneys for the completion of the wagon road leading from the Platte river to the L'eau qui Court.
Also,
Of a memorial for the appropriation of a sum of money to build a Territorial Penitentiary.
By Mr. Davis of Cass,
Of a bill by which a majority of legal voters of any county, can remove the seat of justice.
By Mr. Marquette,
Of a bill entitled, an act to prevent the burning of prairies.
By Mr. Doom,
Of a bill regulating and establishing a legal rate of interest on money.
By Mr. Kline,
Of a bill to define the boundaries of Washington county.
By Mr. Steele,
Of a bill regulating the foreclosure of mortgages.
By Mr. Gwyer,
Of a bill authorizing all persons interested to view and examine the public records.
By Mr. Noel,
Of a bill for the stay of execution on judgments obtained in the several courts in the Territory.
By Mr. Clark,
Of a bill for the establishment of the county line between Nemaha and Otoe counties.
Mr. Steele moved that four hundred copies of the list of Standing Committees be printed.
Mr. Young moved to amend, by instructing the Clerk to procure the printing of the same.
Mr. Rankin moved to amend, by instructing the Secretary of the Territory to procure the printing.

Mr. Steele now moved to refer the whole subject matter to the Select Committee on the "Secretary's communication."

Lost.

Mr. Rankin moved to postpone until to-morrow morning at nine o'clock.

Lost.

Question had on Mr. Rankin's motion to amend.

Lost.

Mr. Clark now moved to lay on the table.

Ayes and nays called:

Ayes—Messrs. Bramble, Clark, Clayes, Fleming, Gwyer, Hall, Rankin, Steele.—8.

Nays—Messrs. Briggs, Cassell, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Lee, Marquette, Mason, Noel, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—22.

Lost.

Mr. Rankin moved to refer to Committee on Judiciary.

Overruled.

Mr. Clayes moved to amend the amendment by instructing the Clerk to consult with the Secretary.

Lost.

Mr. Bramble moved to adjourn.

Lost.

Question now had on the motion to amend made by Mr. Young.

Ayes and nays called:

Ayes—Messrs. Briggs, Cassell, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Lee, Marquette, Mason, Noel, Rankin, Roeder, Seymour, Shields, Steele, Stewart, Taffe, Wattles, Young.—24.

Nays—Messrs. Bramble, Clark, Clayes, Fleming, Gwyer, Hall.—6.

Carried.

Mr. Rankin moved to reconsider the last vote.

Lost.

Mr. Davis of Washington moved to adjourn.

Lost.

Question now had on original motion as amended.

Carried.

Mr. Clark moved to adjourn.

Lost.

Mr. Doom gave notice of a bill for an Apportionment Law.

Also,

A bill to license venders of spirituous liquors.

Mr. Fleming gave notice of a bill for the relocation of the county seat of Richardson county, by a direct vote of the people.

On motion of Mr. Stewart,

The House adjourned.

FRIDAY, September 24th, 1858.

House met at the usual hour.

Journal read and approved.

The Speaker, on leave, presented a petition, which,

On motion,

Was referred to Committee on Incorporations.

Mr. Roeder offered the following resolution:

Resolved, That five hundred copies of the Governor's Message be printed in the German language, and that the translating and printing be done under the direction of a member of this House, to be appointed by the Chair.

On motion,

The resolution was adopted.

Mr. Fleming offered the following resolution:

Resolved, That when this House adjourns, it adjourn to meet on Monday next, at nine o'clock A. M.

Lost.

Mr. Fleming moved to reconsider.

Call of the House ordered.

Absent—Messrs. Rankin and Mason.

On motion,

Further proceedings under call dispensed with.

Question had on motion to reconsider.

Carried.

Question again had on resolution relative to adjournment.

Carried.

Mr. Young moved, that all editors of territorial newspapers be admitted to seats within the bar of the House, as reporters for their respective papers.

Mr. Steele moved to amend, by including all ex-members of the Council and House of Representatives of this Territory.

On motion of Mr. Cooper,

The motion to amend was laid on the table.

Question recurring on the original motion.

Carried.

The following notices of bills were given:

By Mr. Steinberger,

Of a bill asking for a territorial appropriation for repairing the military road, at the crossing of the Elkhorn river.

By Mr. Noel,

Of a bill authorizing the formation of companies for the detection of horse thieves and other felons, and defining their powers.

By Mr. Marquette,

Of a bill regulating the vending of spirituous liquors.

Also,

A bill to regulate the fees of county and other officers.

By Mr. Doom,

Of a bill entitled an Apportionment Law.

Also,

A bill to exempt the homestead of families from forced sale on execution to pay debts.

Mr. Steele, on leave, introduced

H. B. No. 1, "A bill for an act to exempt the homestead of families from execution."

Read first time.

Mr. Gwyer, on leave, introduced

H. B. No. 2, "A homestead exemption act."

Read first time.

On motion of Mr. Steinberger,

Fifty copies each of the above bills were ordered printed.

Mr. Rankin, chairman of select committee, to which was referred Secretary Morton's communication, in reference to public printing and other matters, submitted the following

MINORITY REPORT.

The committee to which was referred "information relative to disbursements of moneys for public printing, newspapers for members and postage," submitted to the House by the Honorable Secretary of the Territory, beg leave respectfully to present the following report:

The questions raised by the information are of the most important character. They concern the relations of the co-ordinate branches of government, and the extent and limit of the powers, rights and duties of each. They belong to the class of important questions, which the working of our government, modeled as it is after the federal constitution—that wise and delicate adjustment of checks and balances of power must constantly evolve. Your committee are called upon to say, in their opinion, where the power of the Secretary ends and that of the House begins; and the determination of that question may likely become a precedent, by which our successors in these seats and these duties will govern themselves. Your committee have looked upon the question thus raised as of very grave character.

They have, therefore, approached the consideration of the matter with calmness and a desire to discover the law. The case is too important to be affected by any temporary feeling or party passion. Questions of this nature always appeal more or less to such feelings and passions. The Legislature on the one hand is jealous of its power and rights, and resents the slightest approaches of executive interference. The executive, on the other hand, is jealous of its power and rights, and resents any interference in their exercise by the Legislature. Natural, however, as it always is for these feelings to arise in the coordinate branches of the government, when considering their relative rights and powers, to yield to them, to be guided by them, is to turn from the way of truth and discretion, and to fall into gross error. The question presented is one of law purely. Your committee has considered it as an abstract question, dispassionately and calmly.

Sec. 12 of the Organic Act contains the following provision:

Three classes of expenditures are here provided. First, "sums to be expended by the Governor to defray the contingent expenses of the Territory, including the salary of a clerk," &c. Second, "sums to be expended by the Secretary," * * *. "to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses." These officers are to account to the Secretary of the Treasury for the manner in which they expend these sums, and are under his direction. Third, "expenditures by the Legislative Assembly, for objects specially authorized by acts of Congress making the appropriations." Nothing more is wanted to determine the respective rights of the officers and Assembly, than a simple reading of this part of the section. The law says the Governor shall make certain expenditures for certain objects; the Secretary certain other expenditures for certain other objects, and the Legislature other expenditures for objects which Congress may provide for. One can not intrude into the rights of the other.

When the act says, the Secretary shall expend sums for certain objects, it clothes him with full power in the premises. To hold otherwise would be going too far. If we can control the Secretary in the matter of public printing, we may control the Governor in the payment of the salary of the clerk of his office—we may even say who that clerk shall be. The words of the act authorizing the Governor to appoint and pay a clerk, and the words authorizing the Secretary to procure the printing to be done are exactly the same.

To put the close construction on the words of the act, that it provides for the PAYMENT for the public printing by the Secretary, but leaves him powerless to CONTRACT FOT ITS EXECUTION, is to leave no department of government authorized to contract for it. The negative upon the power of the Legislature to make an expenditure not authorized by act of Congress, does not confer the right. The power does not exist anywhere if not with the Secretary.

There are certain expenses which are fixed—they can be estimated—they are annual—they are ordinary—they are necessary. These are named, and they are named because they can be. There are others that are not fixed; they are not annual nor ordinary; such as expenditures for penitentiaries, schools, colleges, &c., &c. It is clearly the object of the law, to restrict the power of the Legislature, over expenditures which can not be specifically named in the act; and it therefore provides that these expenditures are to be for purposes to be specially authorized by acts of Congress making appropriations for them. How is there any act of Congress making an appropriation for the printing of our laws? One must be found specially authorizing the Legislature to make an expenditure for such object, or else the Legislature has no power to make it. It is to be noticed that the object for which the Legislature is to spend money, if at all, is to be SPECIALLY authorized by Congress; and not so only, but it is to be so specially authorized by an act making the appropriation. Such a law is not to be found. The appropriation law does not specially name printing at all. That law is to be found at page 306, Laws of 1857-8, and is as follows:

"Territory of Nebraska; for salaries of Governor, three Judges and Secretary, ten thousand five hundred dollars.

"For contingent expenses of said Territory, one thousand dollars.

"For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars."

Does this act specially authorize the Legislature to expend money for printing? And yet it is the only act making appropriations for this Territory.

But let us look at the matter as a practical question. If this House were to have printing done without regard to the Secretary, where would the pay come from? Could we compel the Secretary to pay it? We have no means of doing it. He is independent of us. The money is not under our control, but his. He could refuse to pay for the printing, and we could not compel him to pay for it. We are powerless in his hands.

Your committee are, for these reasons, of opinion that the Secretary, and not the House, have control of the entire matter of the printing, and therefore recommend that he be requested to procure two thousand copies of the Governor's Message to be printed for the use of the House.

Your committee are at a loss to understand why the Secretary raises the question of making this session an extra or a regular session in connection with postage, and not in connection with the other expenses of the session. There seems no reason why postage should be refused members as it is, and yet all the other expenses be paid in case we do not render this a regular session.

He presents the matter to us, however, and it demands consideration.

The question may be thus stated: If an extra session be called by the Governor prior to the time of holding the regular session, are the expenses of such extra session to be paid, or are the sums appropriated by Congress to be withheld until the regular session? The power to call an extra session is conferred upon the Governor in Sec. 12, where the organic act says "There shall be but one session of the Legislature annually, unless on an extraordinary occasion the Governor shall think proper to call the Legislature together." It is conceded by the Comptroller of the Treasury, in his letter transmitted by the Secretary with the information that the Government is liable for the expenses of such extra session. It is, however, provided, and evidently with great care, that the expenditure on the Legislative Assembly shall not exceed $20,000, whether at regular or extra session, or both. Now if the United States is liable for the expenses of the extra session, but in one year not liable for any sessions beyond $20,000, it would appear that the expenditure of this $20,000 commences with the first day of the first session, be it regular or special, and runs on till the $20,000 is all paid out. It can not be possible that when the Legislature has been solemnly convened by the Governor, either on an ordinary or an extraordinary occasion, that the expenses are to be held back till the year or a part of the year has expired. It can not be that our postage is to go unpaid till it is discovered whether there is to be a regular session, and how much is or will be paid thereout, and then pay or repudiate—according as the condition of the Treasury may require.

The Comptroller says in his letter, that the Governor attempts, in his proclamation, to make the session the regular one, but that he can not do it but we may. The Comptroller certainly mistakes the proclamation. It sets forth the alarming condition of the country as constituting the extraordinary occasion which justifies him in calling an extra session, and says that this extraordinary occasion has rendered it necessary to call the Legislature together in advance of the time fixed by law, which is nothing more nor less than saying it is necessary to call an extra session.

With the question of whether it is or is not expedient to make this the regular session, we have nothing to do.

Your committee are of opinion that the expenses of this session should be paid as they are incurred from day to day, without reference to whether any other session be held until the whole $20,000 are expended, and would recommend that the Secretary be requested to pay the postage of members accordingly.

All of which is respectfully submitted,
B. P. RANKIN,
WM. B. HALL.

Mr. Stewart from same committee submitted the following

MAJORITY REPORT.

The select committee to whom was referred the report of the Secretary of the Territory relative to the disbursements of the public moneys, having had the same under consideration, beg leave to make the following majority report.

It appears from the instructions of the Secretary of the Treasury, which accompany and make a part of the report of the Secretary of the Territory, that the only rules by which the Secretary is to be guided in the disbursement of the public moneys appropriated by the General Government, are to be found in the 117th paragraph of the Act of Congress of May 18, 1842, the second section of the Act of Congress of August 29, 1842, and the Act of Congress organizing the Territories of Kansas and Nebraska, under and by virtue of which said several acts of Congress, together with the interpretation thereof, the Secretary of the Territory *assumes* the right, not only to disburse the public moneys aforesaid, but also in the matter of the public printing, to select the person or persons who are to perform the work, thereby exercising legislative and judiciary powers.

Your committee, however, are of the opinion that no such powers as thus assumed, are vested in that officer, and that their exercise is not only unwarranted by any of the provisions of the above entitled acts of Congress, but also not deducible from the instructions of the secretary of the treasury accompanying the report of the Secretary of the Territory.

Your committee have been unable to discover in any of the communications of the secretary of the treasury, any decision in regard to the right claimed, but simply a reference by said Secretary to the said Acts of Congress, upon which your committee have also based their conclusions. It will be seen by reference to the Act of Congress of May 18, 1842, that said act has reference solely to the *amount* of the appropriations, and not to the object or manner of disposing of the same. The act reads thus: "That the Legislative Assembly of no Territory shall hereafter in any instance or under any pretext whatever exceed the amount appropriated by Congress for its annual expenses."

It will thus be seen that by no forced constructions, is the Secretary authorized to assume the control of the public printing, or to dictate to the legislative department of the Territory, any appropriations for the Territory, but plainly recognises the right of the Territorial Legislature to make appropriations not exceeding the amount limited by Congress.

Again, it will be seen by reference to the Act of Congress of August 29, 1842 that said act refers merely to the place where the accounts of the Territory shall be audited; secondly, to the manner in which the vouchers and proofs shall be presented; and thirdly, requires that "no payment shall be allowed unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress." The following is the language of the act:

"That all accounts for disbursements in the territories of the United States of all money appropriated by Congress for the support of Government therein shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the Legislature of any Territory, directing the expenditure of the sum shall be deemed a sufficient authority for such disbursements, but sufficient vouchers and proof for the same shall be required by said accounting officers."

Again, it will be seen by this act as in the act above referred to, that there is an entire absence of any power given the Secretary of the Territory to dictate in the matter of the appropriations, or the objects to which the same is to be applied, but that it is evident from the language of the act, the power over the whole subject of appropriations for the purpose of carrying on the Territorial Government, is given to the legislative department, keeping within the amount limited by Congress. It will also be seen by a reference to the 12th section of the Organic Act, that the provisions therein contained refer merely to the manner of disbursing the appropriations, regarding the Secretary of the Territory as a mere conduit pipe through whose hands the appropriations are to pass, and nowhere recognizing said disbursing officer as possessed of legislative or judicial power. And it will be further seen that said act plainly recognizes the power of the Legislature to state the person who is to perform the work of public printing.

Your committee are further of the opinion that the subject of printing is plainly under the control of the Territorial Legislature, not only by express words of the several acts but by necessary implication, as being one of the incidental powers belonging to the law-making powers, and without which should the Secretary of the Territory at any time refuse to provide for such printing, legislation would be retarded.

In regard to the other subjects included in the Secretary's report, the minority of the committee having reported thereon and the whole committee concurring therein, the majority of your committee make no mention in their majority report.

Your committee recommend the adoption of the following resolution, viz:

Resolved, That the Chief Clerk be instructed to procure two thousand printed copies of the Governor's Message for the use of the House.

JAMES STEWART,
JOHN TAFFE,
CLINTON BRIGGS.

Mr. Kline moved to refer the communication of Secretary Morton together with the reports thereon to a committee of the whole House.

Carried.

The Chair here announced Mr. Roeder as committee of one on translating and printing in the German language, the Governor's Message.

Mr. Seymour moved to instruct the Clerk to procure two hundred printed copies of the Secretary's communication to the House, together with the reports on the same.

On motion of which the ayes and nays were called.

Ayes—Messrs. Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Fleming, Kline, Lee, Marquette, Norwood, Roeder, Seymour, Shields, Stewart, Wattles, Young.—18.

Nays—Messrs. Bramble, Clark, Clayes, Cooper, Doom, Gwyer, Hall, Mason, Noel, Rankin, Steele, Steinberger, Taffe.—13.

Carried.

Mr. Steele moved, that the House do now go into Committee of the Whole on the Secretary's communication and the reports thereon.

Lost.

Mr. Stewart moved that the communication and reports be considered in Committee of the Whole on Wednesday next.

Carried.

Mr. Mason moved that the Secretary of the Territory be requested to furnish this House with two thousand copies of the Governor's Message.

Mr. Steele moved to defer consideration of that question until Wednesday next.

Carried.

Mr. Cooper moved to adjourn.

Lost.

Mr. Collier moved to refer that portion of the Governor's Message relating to the Military Roads to the Committee on Roads, with instructions to report on the work done on the Military Roads within this Territory, including surveys, grading, and bridges, and the manner in which the work has been executed, and what action, if any, is demanded of this House, respecting the same.

Mr. Bramble moved to amend, by referring to a select committee of three.

Lost.

Question on referring to Committee on Roads.

Carried.

The following message from the Council was received:

Council Chamber,
Sept. 24, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed C. B. No. 4, "A bill for an act changing the time fixed by law for the regular session of the Legislative Assembly," and solicit your early concurrence therein.

S. M. CURREN, Chief Clerk.

Mr. Daily moved to adjourn.

Lost.

C. B. No. 4, "A bill for an act changing the time fixed by law for the regular session of the Legislative Assembly.

Read for the first time.

Mr. Rankin moved that the rules be suspended, and the bill read second time by title.

Ayes and nays called:

Ayes.—Messrs. Bramble Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Dean, Doom, Fleming, Gwyer, Hall, Lee, Mason, Norwood, Rankin, Roeder, Shields, Steele, Young.—21.

Nayes.—Messrs. Briggs, Daily, Kline, Marquette, Seymour, Steinberger, Stewart, Taffe, Wattles.—9.

Carried.

The bill was now read second time by title, and

On motion of Mr. Steele,

Referred to Committee on Judiciary.

Mr. Doom on leave introduced,

H. B. No. 3, "A bill entitled an act regulating the interest on money".

Read first time,

On motion of Mr. Clayes,

Referred to Committee on Banks and Currency.

Mr. Doom on leave, also introduced,

H. B. No. 4, "An act to appraise the property of an 'execution defendant.'"

Read first time and referred to Committee on Judiciary.

Mr. Clark moved to adjourn.

Lost.

Mr. Davis on leave introduced,

H. B. No. 5, "An act to relocate county seats.

Which was referred to Committee on County Seats and County Boundaries.

On motion of Mr. Rankin,

The House adjourned at one o'clock P. M.

MONDAY, Sept. 27, 1858.

House met at the usual hour.

Prayer by Rev. Good.

Journal read and approved.

Mr. Marquette presented a petition in reference to the assessment of taxes in Cass county.

On motion,

The petition was referred to Committee on Judiciary.

The following notices of bills were given:

By Mr. Dean,

Of a bill for the survey and location of a territorial road from Rulo in Richardson county by way of Falls city and Salem in said county, Pawnee city in Pawnee county, and Blue Springs in Gage county, thence to intersect at the nearest point, the military road running from Fort Leavenworth to Fort Kearny.

By Mr. Stewart,

Of a bill to establish the common school system in the Territory of Nebraska.

By Mr. Marquette,

Of a bill to provide for the appointment of a clerk for the district court in each county respectively.

By Mr. Bramble,

Of a bill to change the manner of organizing new counties.

Also,

Of a bill to incorporate the Town of North Bend in Dixon county.

Also,

Of a bill to charter the Frankfort town and Ferry Company, in L'eau qui Court county.

Also,

Of a bill establishing a License Law.

Also,

Of a bill to charter a ferry at Ponca in Dakota county.

By Mr. Briggs,

Of a bill entitled an act to create a lien in favor of mechanics and others in certain cases.

By Mr. Shields,

Of a bill rearranging the boundary lines of Sarpy county.

By Mr. Kline,

Of a bill for the purpose of providing for a prosecuting attorney in each county.

Mr. Gwyer offered the following resolution:

Resolved, That each member of the House be privileged to select eight territorial newspapers at his option for his own use during the session to be paid for by the secretary of the treasury, and if the Secretary declines to pay for them, that the bills be paid by the Auditor of the Territory.

On motion,

The resolution was adopted.

Mr. Collier offered the following resolution:

Resolved, That the Committee on Roads be instructed to report, at as early a day as practicable, upon the state of completion; the character of the work done; the manner of the expenditure of moneys, and any other information in their possession, relative to the wagon road from the Platte river to the L'eau qui Court.

On motion,

Adopted.

Mr. Young offered the following resolution:

Resolved, That no member of this House be allowed to speak more than ten minutes at any one time; and when by the rules he has the floor the second time on the same question, he be allowed to speak but five minutes.

Lost.

On motion of Mr. Clark,

The House proceeded to business on the Speaker's table and regular orders of the day.

Mr. Gwyer, on leave, introduced

H. B. No. 6, "An act for the collection of the revenue."

Mr. Rankin moved to refer the bill to Committee on Ways and Means.

Mr. Gwyer moved to amend, by referring to Committee on Judiciary.

Lost.

Question recurring on motion to refer to Committee on Ways and Means.

Carried.

On motion of Mr. Clayes,

The House took a recess until eleven o'clock.

The hour to which the House took a recess having arrived,

The Speaker called the House to order.

Mr. Clayes moved the following reference of the Governor's Message, which carried:

All that portion which refers to the Criminal Laws, to the Committee on Judiciary.

That portion which refers to the jurisdiction of justices of the peace, constables and other officers, to the same committee.

That portion having reference to the liabilities of the Territory and the condition of the revenue, to the Committee on Ways and Means.

That portion recommending some action to secure a list of the lands pre-empted at the different land offices, that they might be subjected to taxation, to the same committee.

That portion having reference to the salaries of the Auditor and Treasurer, to the Committee on Accounts and Expenditures.

That portion which refers to banks, to the Committee on Banks and Currency.

That portion recommending the passage of a law limiting suits in the Territory; and also, that portion directing attention to the law regulating the appointment of notaries public and commissioners of deeds; to the Committee on Judiciary.

That portion calling attention to a memorial praying for an appropriation to bridge the Platte river; to the Committee on Internal Improvements.

That portion having reference to a geological survey of the Territory, to the Committee on Federal Relations.

Mr. Marquette, on leave, introduced

H. B. No. 7, "An act entitled an act to exempt the homesteads of families from forced sale on execution to pay debts."

On motion,

Referred to Committee on Judiciary.

Mr. Davis of Washington, on leave, introduced

H. B. No. 8, "An act to revive an act entitled an act relative to the Criminal Laws."

On motion,

Referred to Committee on Judiciary.

Mr. Rankin moved a reconsideration of the vote, by which the House passed to the regular orders of the day.

Carried.

Mr. Mason from Committee on Judiciary, to which was referred

C. B. No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly,"

Submitted the following

MINORITY REPORT.

In the matter of the consideration of Council Bill No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly," having had the same under consideration, your committee are unable to agree, and the chairman would most respectfully report:

That in view of the fact that grave doubts exist, under the Organic Act, and the instructions of the Secretary of the Treasury of the United States to the Secretary of Nebraska, whether the Secretary of this Territory is authorized to pay the expenses of an extra session of the Legislative Assembly, before the expenses thereof have been estimated for and submitted to the proper department of the general government, for rejection or approval; and for the purpose of relieving the Secretary of the Territory and the Executive Department from embarrassment in the premises, the chairman of your committee most respectfully recommends the passage of said act. And for the further reason, that the chairman of your committee is of the opinion that all needful and necessary laws can be passed within the time as limited by law for the regular session of the Legislative Assembly.

If we are animated by the just and honorable purpose of enacting for the people of this Territory and ourselves, such laws as shall protect both person and property, and afford a speedy and ready redress for injuries and wrongs and ample protection for rights.

And as your chairman is of the opinion that there is no doubt, if this session is made the regular session it relieves the Executive Department of this Territory from embarrassments and difficulties, and protects the Territory against the possibility of having to pay, or becoming liable for the expenses of this session of the Legislative Assembly—therefore, your chairman would most respectfully recommend and urge its passage.

O. P. MASON,
Ch'n Com. on Judiciary.

Mr. Marquette, from same committee, submitted the following

MAJORITY REPORT.

The undersigned, a majority of your committee, to which was referred

C. B. No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly," having had the same under consideration, beg leave to submit the following report:

The effect of the passage of the bill, in the opinion of a majority of your committee, would be to cut off forty days of legislation which now rightfully belong to the people of this Territory. And judging from the slow progress which has hitherto been made by this House, it might deprive the people of this Territory of some of those laws which they now so much need.

Forty days, to say the least, is a short time to get up and mature an entire new system of laws, and if at the end of that time our work should be unfinished, the passage of this act will leave our Territory suffering from the same evils which we have been called here to remedy.

And your committee see no reason why, at this period of the session, we should pass this bill.

If, towards its close, it is ascertained that we will accomplish at this session all legislation needful to our people, the undersigned of your committee, so far as they have now considered the question, would cheerfully vote for the passage of such a bill. But at the present time they feel in duty bound to report the same back to the House, and recommend that it do not now pass.

All of which is respectfully submitted,
T. M. MARQUETTE,
JAMES STEWART,
DAVID L. COLLIER.

Mr. De Puy moved to refer the bill, together with the reports thereon, to a committee of the whole House, on Wednesday next, at ten o'clock A. M.

Lost.

Mr. Clayes moved that the House do now go into Committee of the Whole on the bill, together with the reports thereon.

Carried.

The House then went into Committee of the Whole,

Mr. Clayes in the Chair.

The House having resumed business,

Mr. Clayes, from the Committee of the Whole, reported, that the committee had risen, having come to no conclusion on the matter before them.

Mr. Cooper moved to adjourn.

Carried, and

The House adjourned at one and a half o'clock P. M.

TUESDAY, September 28th, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Daily offered the following resolution, which was adopted:

Resolved, That the Secretary of the Territory be respectfully requested to furnish this House, as soon as practicable, with an estimate of the probable expenses attending a legislative session of forty days, specifying the items.

Mr. Stewart, on leave, introduced

H. B. No. 9, "A bill to establish the common school system in the Territory of Nebraska;" which,

On motion,

Was referred to Committee on Common Schools.

Mr. Rankin moved to refer that part of the Governor's Message which relates to the death of the late Secretary, T. B. Cuming, to a select committee of three.

Carried.

Committee—Messrs. Rankin, Collier, Marquette.

The following notices of bills were given:

By Mr. Marquette,
Of a bill to change and redefine the boundaries of Calhoun county.
By Mr. Seymour,
Of an act entitled an act for a homestead exemption.
By Mr. Briggs,
Of a joint resolution and memorial praying Congress to so amend the Organic Law as to enable the people of this Terrritory to elect their own Governor, Secretary, and Judges of the Supreme Court.
By Mr. Davis of Cass,
Of a bill to change the time of holding elections.
By Mr. Taffe,
Of a bill regulating the filing of informations.
By Mr. Roeder,
Of a bill entitled an act to organize Cuming county.

Mr. Briggs, on leave, introduced
H. B. No. 10, "An act to create a lien in favor of mechanics and others in certain cases."
On motion,
Referred to Committee on Judiciary.
Mr. Bramble, on leave, introduced
H. B. No. 11, "An act in relation to new counties."
On motion,
Referred to Committee on County Seats and County Boundaries.
On motion of Mr. Marquette,
The House proceeded to dispose of business on the Speaker's table, and the general orders of the day.
Mr. Rankin moved, that the House now resolve itself into a Committee of the Whole, on
C. B. No. 4, "A bill for an act changing the time fixed by law for the regular session of the Legislative Assembly.
Carried, and
The House went into Committee of the Whole,
Mr. Clayes in the Chair.
The House having resumed business,
Mr. Clayes from Committee of the Whole, reported the bill back without recommendation.
On motion,
The report was received.
Mr. Davis of Cass, offered as an amendment to Council Bill No. 4,
A bill entitled as follows: An act to change the time of convening the Legislative Assembly.
On the motion to adopt, the ayes and nays were called—result as follows:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Davis of Cass, Dean, De Puy, Gwyer, Hall, Lee, Mason, Noel, Rankin, Roeder, Shield, Steele, Steinberger, Young.—18.

Nays—Messrs. Briggs, Cooper, Davis of Washington, Daily, Doom, Fleming, Kline, Marquette, Norwood, Seymour, Stewart, Taffe, Wattles.—13.

Carried.

Mr. Davis of Washington, now moved to indefinitely postpone the bill.

Ayes and nays called:

Ayes—Messrs. Briggs, Davis of Washington, Daily, Doom, De Puy, Kline, Marquette, Seymour, Stewart, Taffe, Wattles.—11.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Norwood, Rankin, Roeder, Shields, Steele, Steinberger, Young.—21.

Lost.

Mr. Clayes moved that the bill as amended be now read a third time and put on its passage.

Carried.

The bill was read third time, and the ayes and nays called on its passage:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Cooper, Davis of Cass, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Rankin, Roeder, Shields, Steele, Steinberger, Young.—19.

Nays—Messrs. Briggs, Collier, Davis of Washington, Daily, Doom, De Puy, Kline, Marquette, Norwood, Seymour, Stewart, Taffe, Wattles.—13.

Carried.

Bill passed and title agreed to.

Mr. Clayes moved to reconsider, and to lay that motion on the table.

Lost.

H. B. No. 1, "A bill for an act to exempt the homestead of families from execution,"

Was now taken up, read second time, and referred to Committee on Judiciary.

H. B. No. 2, "A bill for a homestead exemption act,"

Was now taken up, read second time, and referred to Committee on Judiciary.

Mr. Mason asked leave of absence for two days, which was granted.

On motion of Mr. Cooper,

The House took a recess until two and a half o'clock P. M.

2½ o'clock P. M.

The House having resumed business, the following message from the Council was received:

COUNCIL CHAMBER,
Sept. 28, 1858.

Mr. Speaker:

I am directed by the Council to return the message from the House, and the accompanying bill relative to changing the time of convening the Legislative Assembly, on account of informality.

I have also to inform your honorable body that the Council has passed

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of Nebraska;" and

C. B. No. 12, "A bill for an act for the relief of Margaretta Cuming."

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

On motion of Mr. Rankin,

The business on the Speaker's table was now taken up.

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of Nebraska."

Read first time.

C. B. No. 12, "A bill for an act for the relief of Margaretta Cuming."

Read first time.

Mr. Clayes moved to reconsider the vote by which the House passed

C. B. No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly."

Ayes and nays called:

Ayes.—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Cooper, Dean, Fleming, Gwyer, Hall, Lee, Mason, Rankin, Shields, Steele, Steinberger.—16.

Nays.—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, De Puy, Kline, Marquette, Noel, Norwood, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—15.

The Chair decided the motion

Carried.

When Mr. Steinberger took an appeal from the decision, claiming that under Rule 67—a two third vote was required.

Question had on sustaining the Chair, and

Lost.

Mr. Clark moved to adjourn.

Lost.

Mr. Clayes moved that the Clerk be instructed to make the necessary corrections to C. B. No. 4, "A bill for an act to change the time of convening the Legislative Assembly," in order that the bill might go to the Council with the amendment as intended by the mover of the same.

The Chair deciding that it was the duty of the clerk to make such correction, without special instruction from the House.

The motion to instruct was withdrawn.

Mr. Collier on leave introduced,

H. B. No. 12, " A bill to authorize certain officers to administer oaths and affirmations."

Which was read for the first time.

On motion of Mr. Rankin,

The rules were suspended and the bill read second and third time by title and put on its passage, on which

The ayes and nays were called:

Ayes.—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Noel, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—30.

Nays.—00

Carried.

Bill passed and title agreed to

Mr. Fleming moved to adjourn.

Carried.

And the House adjourned at four o'clock P. M.

WEDNESDAY, September 29, 1858.

The House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Daily offered the following resolution:

Resolved, That the Secretary of the Territory be respectfully requested to furnish this House with a full copy of the correspondence between the Secretary and the Department, concerning the printing of the Legislative Assembly, and the payment of the expenses of this Legislature, as well as the regular session, to be held by law, on the first Monday in January, 1859.

Laid over under rule.

Mr. Gwyer, on leave, introduced

H. B. No. 13, "An act to authorize citizens to view the public records."

Which was read first and second time, and referred to Committee on Judiciary.

Mr. Davis of Washington, gave notice of a bill for an act explanatory of an act regulating the disposal of lands entered in trust for town sites.

Mr. Taffe gave notice of a bill to regulate the fees of clerks of the district courts.

Also,

Of a bill requiring clerks of the district courts to keep the records in the several counties, in each judicial district, at the places where the courts are held in such counties.

Mr. Mason, from Committee on Judiciary, reported

H. B. No. 13, "An act to authorize citizens to view the public records."

Recommending the following amendment, viz: to strike out the words, "at all seasonable hours."

On motion,

The amendment was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Mr. Steinberger moved, that the House proceed to elect an Engrossing and Enrolling Clerk.

Carried.

The following named gentlemen were put in nomination:

Wm. Lehmer, Geo. A. Graves, J. W. Van Nostrand, F. Rudowsky.

Mr. Doom moved to postpone the election until day after to-morrow.

Lost.

The roll was then called, with the following result:

For Geo. A. Graves—Messrs. Cassell, Collier, Hall, Mason, Norwood, Rankin, Shields.—7.

For J. W. Van Nostrand—Messrs. Bramble, Clark, Clayes, Dean, Doom, Fleming, Gwyer, Lee, Noel, Steele, Steinberger.—11.

For F. Rudowsky—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, De Puy, Kline, Marquette, Roeder, Seymour, Stewart, Taffe, Wattles, Young, Speaker.—14.

There being no election, the roll was called again—result as follows:

For Geo. A. Graves—Messrs. Bramble, Norwood, Shields.—3.

For J. W. Van Nostrand—Messrs. Cassell, Clark, Clayes, Collier, Cooper, Doom, Fleming, Gwyer, Hall, Kline, Noel, Steele, Steinberger.—13.

For F. Rudowsky—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Lee, Marquette, Rankin, Roeder, Seymour, Stewart, Taffe, Wattles, Young, Speaker.—16.

No election.

The following message from the Council was received.

COUNCIL CHAMBER,
Sept. 29, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed C. B. No. 8, "An act to adopt and establish a Criminal Code for Nebraska."

Also,

C. B. No. 1, "An act amendatory of an act to incorporate the Nebraska University."

And the concurrence of the House is requested,

S. M. CURRAN, Chief Clerk.

Mr. John Howard was now put in nomination for the office of Enrolling and Engrossing Clerk, and the names of Messrs. Graves, Lehmer and Van Nostrand withdrawn.

The House now proceeded to vote again, with the following result:

For Rudowsky—Messrs. Briggs, Cassell, Davis of Washington, Daily, Dean, De Puy, Lee, Roeder, Seymour, Stewart, Taffe, Wattles, Young, Speaker.—14.

For Howard—Messrs. Bramble, Clark, Clayes, Collier, Cooper, Davis of Cass, Doom, Fleming, Gwyer, Hall, Kline, Noel, Norwood, Rankin, Shields, Steele, Steinberger.—17.

Whereupon, John Howard was declared duly elected.

C. B. No. 1, "An act amendatory of an act entitled an act to incorporate the Nebraska University,"

Was read first time.

Mr. Cooper moved that the rules be suspended and the bill read a second time.

On which, the ayes and nays were called:

Ayes—Messrs. Bramble, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Lee, Marquette, Rankin, Roeder, Seymour, Young.—13.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Collier, Doom, Fleming, Gwyer, Hall, Kline, Mason, Noel, Norwood, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—19.

Lost.

On motion of Mr. Mason,

The House proceeded to business on the Speaker's table and orders of the day.

The following message from the Council was received:

COUNCIL CHAMBER,
Sept. 29, 1858.

Mr. Speaker:

I am directed to inform your honorable body that the Council has refused to concur in the amendments of the House to

C. B. No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly."

S. M. CURRAN, Chief Clerk.

Mr. Stewart moved that the House now go into Committee of the Whole for the consideration of the communication from Secretary Morton, in reference to public printing and other matters, together with the reports from the committee thereon, that being the special order for the day.

Carried, and

The House went into Committee of the Whole, Mr. Collier in the Chair.

The House having resumed business,

Mr. Collier, from Committee of the Whole, reported, that the committee had had the documents under consideration, and recommended the adoption of the majority report.

Mr. Clayes moved the indefinite postponement of the report of the committee.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Cooper, Doom, Fleming, Gwyer, Hall, Mason, Rankin, Roeder, Steinberger.—14.

Nays—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Kline, Lee, Marquette, Norwood, Seymour, Shields, Stewart, Taffe, Wattles, Young.—16.

Lost.

Mr. Norwood now moved the adoption of the majority report.

Mr. Collier moved to lay the whole matter on the table.

Call of the House ordered.

Absent—Messrs. Cooper, Noel, Steele.

On motion,

All further proceedings under call were dispensed with.

The ayes and nays were now called on the motion to lay on the table, with the following result:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Mason, Rankin, Roeder, Shields, Steinberger.—16.

Nays—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, Kline, Lee, Marquette, Norwood, Seymour, Stewart, Taffe, Wattles, Young.—13.

Carried.

Mr. Clayes moved to reconsider, and to lay that motion on the table.

Ayes and nayes called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Doom, Fleming, Gwyer, Hall, Lee, Mason, Rankin, Roeder, Shields, Steinberger.—16.

Nays—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, De Puy, Kline, Marquette, Norwood, Seymour, Stewart, Taffe, Wattles, Young.—13.

Carried,

On motion of Mr. Rankin,

The House adjourned at one o'clock P. M.

THURSDAY, September 30, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. James B. Wasson of Otoe county, appeared and presented his certificate of election as a member of the House of Representatives, which,

On motion,

Was referred to the Committee on Privileges and Elections.

The chairman of the committee reported the same back to the House, and recommended that Mr. Wasson be permitted to take his seat as a member of this House.

On motion,

The report was adopted, and

The oath of office was administered in due form to Mr. Wasson.

Mr. Bramble presented a petition in relation to Dixon county, which

On motion,

Was read, and referred to Committee on County Seats and County Boundaries.

Mr. Fleming, on leave, introduced

H. B. No. 14, "A bill for an act to establish permanently the county seat of Richardson county, by a vote of the people."

On motion,

The bill was referred to a select committee of three, consisting of Messrs. Fleming, Dean and Daily.

Mr. Daily offered the following resolution:

Resolved, That this House instruct its Chief Clerk to procure all the incidental printing ordered by the House."

Laid over under rule.

Mr. Seymour, on leave, introduced

H. B. No. 15, "A bill entitled an act for a homestead exemption."

Which was referred to Committee on Judiciary.

Mr. Briggs gave notice of a bill, entitled an act to prescribe the duties of the attorney general.

Mr. Kline introduced, in the form of a resolution, a motion, that the Committee on Privileges and Elections be instructed to enquire into the eligibility of B. P. Rankin to a seat in this House.

Laid over under rule.

Mr. Davis of Washington, on leave, introduced

H. B. No. 16, "An act explanatory of an act regulating the disposal of lands purchased in trust for town sites, approved Feb. 10, 1857."

Read first and second time, and referred to Committee on Judiciary.

Mr. Mason, from Committee on Judiciary, to which was referred

H. B. No. 10, "A bill for an act to create a lien in favor of mechanics and others in certain cases,"

Reported a substitute for the same, and recommended its adoption.

On motion,

The substitute was adopted.

On motion of Mr. Stewart,

The bill was read first and second time, and ordered engrossed for a third reading.

On motion,

The business on the Speaker's table was now taken up.

C. B. No. 8, "A bill for an act to establish a Criminal Code for the Territory of Nebraska,"

Was read first and second time by title and referred to Committee on Judiciary.

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the Territory of Nebraska,"

Was read second time.

Mr. Steele moved to refer to Committee on Judiciary.

Mr. Collier moved to amend, by referring to Committee on Incorporations.

Carried.

Question had on the motion as amended.

Carried.

C. B. No. 1, "An act amendatory of an act entitled an act to incorporate the Nebraska University.

Read second time, and

On motion of Mr. De Puy,

Referred to a select committee of three.

Committee—Messrs. De Puy, Steele and Marquette.

The resolution introduced on yesterday, respecting copies of the correspondence between the Secretary of the Territory and the Department,

Was now taken up, and

On motion,

Adopted.

The Council having refused to concur in the amendment of the House, to

C. B. No. 4, "A bill for an act changing the time fixed by law for the convening of the Legislative Assembly,"

That bill was now taken up.

Mr. Stewart moved, that the House insist upon its amendment; and on that motion, moved the previous question, and was sustained,

The question being, shall the main question be now put?

The ayes and nays were called—result as follows:

Ayes—Messrs. Briggs, Cooper, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Kline, Lee, Marquette, Noel, Norwood, Rankin, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—20.

Nays—Messrs. Clayes, Clark, Cassell, Dean, Fleming, Gwyer, Hall, Mason, Steele, Steinberger, Wasson.—11.

Carried.

The main question was now had.

Ayes and nays called:

Ayes—Messrs. Briggs, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Kline, Lee, Marquette, Noel, Norwood, Rankin, Roeder, Seymour, Shields, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—23.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Steele.—10.

Carried.

The following message was received from the Council:

COUNCIL CHAMBER,
Sept. 30, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 22, "Memorial and joint resolution in relation to a Geological Survey."

Also,

C. B. No. 9, "A bill for an act to establish a Territorial Board of Agriculture."

Also,

C. B. No. 24, "A bill for an act to authorize James Folden and A. L. Folden to build a mill dam across Weeping Water river."

Also,

C. B. No. 13, "A bill for an act to amend an act entitled an act for locating, opening, repairing and changing county roads."

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

C. B. No. 12, "A bill for an act for the relief of Margaretta Cuming,"

Was read second time, and referred to Committee on Ways and Means.

C. B. No. 13, "A bill for an act to amend an act entitled an act for locating, opening, repairing and changing county roads, approved January 26, 1856,"

Was read first and second time, and referred to Committee on Roads.

C. B. No. 9, "A bill for an act to establish a Territorial Board of Agriculture."

Was read first and second time, and referred to Committee on Agriculture.

C. B. No. 24, "A bill to authorize James Folden and A. L. Folden to build a mill dam across the Weeping Water river."

Was read first time.

Mr. Clayes moved to suspend the rules, in order that the bill might be read a second time,

On which the ayes and nays were called.

Ayes—Messrs. Bramble, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Lee, Marquette, Noel, Norwood, Rankin, Seymour, Steele, Wasson, Wattles, Young.—22.

Nays—Messrs, Briggs, Cassell, Clark, Cooper, Kline, Mason, Roeder, Shields, Steinberger, Stewart, Taffe, Speaker.—12.

A two-third vote being required to suspend the rule,

The motion was

Lost.

C. B. No. 22, "Memorial and joint resolution in relation to a Geological Survey."

Read first and second time, and referred to Committee on Federal Relations.

On motion of Mr. Mason,

The House took a recess for one half hour.

The House having resumed business,

Mr. Fleming from Committee on Federal Relations, to which was referred,

C. B. No. 22, "Memorial and joint resolution in relation to a Geological Survey"

Reported the same back to the House without amendment and recommended its passage.

On motion,

The report was accepted.

On motion of Mr. Mason,

The rule was suspended and the bill read a third time,

Passed and title agreed to.

Mr. Noel from Committee on Engrossing and Enrolling Bills reported

H. B. No. 13, "An act to authorize citizens to view the public records," as correctly engrossed.

Which bill was then read third time,

Passed and title agreed to.

Mr. Mason moved to adjourn.

Carried.

And the House adjourned at 12½ o'clock.

FRIDAY, October 1, 1858.

House met at the usual hour.
Prayer by the Chaplain.
Journal read and approved.
Mr. Lee offered the following resolution:

Resolved, That in case incidental printing is desired necessary by this House, we will appoint a committee to confer with the Secretary of the Territory, to ascertain whether in his opinion such printing is needful, and should he assent, such committee are instructed to request him to procure such printing with the least possible delay.

On motion of Mr. Rankin,
The resolution was indefinitely postponed.
The following notices of bills were given:

By Mr. Fleming,
Of a bill regulating ferries.
By Mr. Marquette,
Of a bill to establish a ferry or toll bridge across Salt creek, some two miles from the mouth of said creek.
By Mr. Briggs,
Of a bill entitled, an act to change the time of convening the Legislative Assembly.

Mr. Collier from Joint Committee on Joint Rules, submitted the following report:

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall apppoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other verbally, or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper, and they may be transmitted from one House to the other at any time, provided neither House shall have adjourned for a longer period than one day.

5. While bills are on their passage between the two Houses, they

shall be on paper, and under the signature of the Chief Clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the Territory for his approval.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.

9. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation (it being first indorsed on the back of the roll, certifying in which House the same originated; which indorsement shall be signed by the Chief Clerk of the House in which the same did originate), and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journal of each House.

10. All orders, resolutions and votes which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner, be enrolled, examined and signed, and shall be presented in the same manner, and by the same committee as provided in cases of bills.

11. When the Council and House of Representatives shall judge it proper to make a joint address to the Governor, it shall be presented to him by the President of the Council, in the presence of the Speaker and both Houses.

12. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without leave of two-thirds of that House in which it shall be renewed.

13. Each House shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

14. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

Mr. Daily moved that one hundred and fifty printed copies of the standing House rules and joint rules of the Council and House, be procured for the use of the House.

Carried.

On motion of Mr. Clark,

The Chief Clerk was ordered to procure the printing of the same.

Mr. Fleming from Committee on Federal Relations, submitted the following report:

Mr. Speaker:

The Committee on Federal Relations, to whom was referred that portion of the Governor's Message relating to a Geological Survey of this Territory, most respectfully report, that your committee having had under consideration Council bill No. 22, being a memorial and joint resolution praying Congress for an appropriation to defray the expenses of such survey, and reported the same back to this House on yesterday, when said memorial and joint resolution was passed.

Your committee therefore deem it unnecessary to take any further action on that subject, as their views were fully comprehended in that memorial and joint resolution. Your committee would therefore ask to be discharged from the further consideration of the subject.

WM. C. FLEMING, Chairman.

On motion of Mr. Lee,

The report was adopted.

On motion of Mr. Fleming,

The House now proceeded to business on the Speaker's table.

C. B. No. 24, "A bill for an act to authorize James Folden and A. L. Folden to build a mill dam across the Weeping Water river,"

Read second time and referred to Committee on Incorporations.

The resolution introduced on yesterday in relation to incidental printing, was now taken up.

Mr. Rankin moved to indefinitely postpone.

Ayes and nays called.

Ayes—Messrs. Bramble, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Rankin, Shields, Steinberger, Steele.—15.

Nays—Messrs. Briggs, Cassell, Cooper, Davis of Cass, Davis of Washington, Dailey, Doom, De Puy, Marquette, Norwood, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—16.

Lost.

Mr. Clayes submitted the following point of order, viz:

That the subject matter comprehended by the resolution was settled by a vote of the House on Wednesday last, on a motion to reconsider a vote, by which the Secretary's communication and reports thereon were tabled.

The Speaker overruled the point of order.

Whereupon, Mr. Clayes appealed from the decision of the Chair.

On this question the ayes and nays were called—result as follows:

Ayes—Messrs. Briggs, Cassell, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Kline, Lee, Marquette, Norwood, Roeder, Seymour, Shields, Steele, Stewart, Taffe, Wattles, Young.—21.

Nays—Messrs. Bramble, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Noel, Rankin, Steinberger.—11.

Chair sustained.

The question now being on the adoption of the resolution, Mr. Daily moved the previous question, which was seconded by a majority and the main question ordered.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Kline, Lee, Marquette, Noel, Norwood, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—18.

Nays—Messrs. Bramble, Clark, Clayes, Collier, Cooper, Dean, Fleming, Gwyer, Hall, Mason, Rankin, Shields, Steele, Steinberger.—14.

Carried.

Mr. Lee moved that the Clerk be instructed to be governed by the instructions of the Secretary of the Territory in regard to the place of procuring the printing.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Clark, Clayes, Collier, Dean, Doom, Fleming, Gwyer, Hall, Lee, Mason, Noel, Rankin, Roeder, Shields, Steele, Steinberger.—17.

Nays—Messrs. Briggs, Cassell, Cooper, Davis of Cass, Davis of Washington, Daily, De Puy, Kline, Marquette, Norwood, Seymour, Stewart, Taffe, Wattles, Young.—15.

Carried.

The following message from the Council was received:

Council Chamber,
Oct. 1st, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 2, "A bill for an act to license the sale of malt, spiritous and vinous liquors in the Territory of Nebraska."

Also,

C. B. No. 29, "A bill for an act to incorporate the Otoe County Horticultural Society."

Also,

C. B. No. 14, "A bill for an act to legalize the acts of William Pilgrim, late Register of Deeds in and for the county of Dakota."

And the concurrence of the House is respectfully requested.

I have also to inform you that the Council has appointed Messrs. Crawford and Furnas a committee of two on the part of the Council to confer with a committee of three on the part of the House in relation to the disagreement on C. B. No. 4.

S. M. CURRAN, Chief Clerk.

Mr. Clayes now moved to reconsider the last vote and to lay that motion on the table.

Carried.

The resolution introduced on yesterday in relation to the eligibility of a member of this House, Was now taken up.

Mr. Gwyer moved to reject the resolution.

Mr. Kline moved to refer the subject matter to the Committee on Privileges and Elections.

Mr. Clayes moved to postpone further consideration of the matter until the fourth day of July next,

On which the ayes and nays were called :

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Dean, Doom, Fleming, Gwyer, Hall, Lee, Mason, Noel, Norwood, Seymour, Roeder, Shields, Steele, Steinberger, Taffe, Young.—25.

Nays—Messrs. Daily, De Puy, Kline, Marquette, Rankin, Stewart, Wattles.—7.

Carried.

The following communication from Honorable Secretary Morton was received:

Secretary's Office,
Oct. 1, 1858.

Gentlemen of the House of Representatives:

I have most respectfully to inform your honorable body, that all correspondence between myself and the Treasury Department, in which you can have any direct interest, has already been placed before you.

In reply to your request for an estimate of the expenditures of a Legislative session of forty days, I have to state, that I am unable to make one with any certainty before the presentation of the bills. I respectfully suggest, however, that the estimate made by the honorable Secretary of the Treasury of the United States, which is twenty thousand dollars, is probably very nearly correct. The fact that every session of the Legislature preceding the present one, has cost the general government either twenty thousand dollars or more, leads me to put great confidence in the estimate of the honorable Secretary of the Treasury.

Very respectfully Yours,
J. STERLING MORTON,
Secretary of Nebraska.

Mr. Clays moved to refer the communication to Judiciary Committee.

On which the ayes and nays were called.

Ayes—Messrs. Bramble, Clark, Clayes, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, Fleming, Gwyer, Hall, Marquette, Mason, Noel, Norwood, Rankin, Roeder, Seymour, Shields, Steinberger.—21.

Nays—Messrs. Briggs, Cassell, Collier, De Puy, Kline, Lee, Steele, Stewart, Taffe, Wattles, Young.—11.

Carried.

Mr. Cooper moved to reconsider.

Mr. Steinberger moved to lay the motion to reconsider on the table.

Carried.

C. B. No. 2, "A bill for an act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,"

Was read first and second time, and ordered to be printed.

Mr. Clayes moved that a committee of three be appointed to confer with a similar committee from the council in reference to the disagreement concerning

C. B. No. 4, "A bill for an act changing the time fixed by law for convening the legislative assembly."

Carried.

Committee—Messrs. Briggs, Gwyer and Young.

C. B. No. 29, "A bill for an act to incorporate the Otoe county Horticultural Society."

Was read first and second time, and referred to Committee on Agriculture.

C. B. No. 14, "An act to legalize the acts of William Pilgrim, late register of deeds in and for Dakota county."

Was read first and second time and referred to a select committee of three, consisting of Messrs. Taffe, Bramble and Kline.

Mr. Gwyer moved that the Judiciary Committee be instructed to report on the various "Homestead bills," committed to them.

Lost.

Mr. De Puy asked leave of absence for one day, which was granted.

Mr. Shields, obtained leave of absence for one day.

Mr. Davis of Washington moved to adjourn.

Carried.

And the House adjourned at 12½ o'clock, P. M.

SATURDAY, October 2, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Norwood obtained leave of absence.

Mr. Gwyer offered the following resolution:

Resolved, That it shall be the rule of the House during the session, that the ayes and nays shall be called on the final passage of all bills, acts, memorials and joint resolutions.

Laid over under rule.

Mr. Steinberger gave notice of a bill for the restriction of banks in the territory.

Mr. Taffe offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the

Secretary and enquire whether or not it is his intention to pay the members of the Legislature their *per diem* and mileage for the special session, provided the regular session should commence upon the fifth instant, and further, whether if the regular session should not commence until the time now fixed by law, he will pay for said special session.

On motion,
The resolution was adopted.

The Chair appointed on said committee, Messrs. Taffe, Rankin and Davis of Washington.

Mr. De Puy presented a petition in reference to the bridge across the Elkhorn river, .

Which was referred to Committee on Roads.

Mr. Daily presented a petition in reference to a road in Nemaha county,

Which was referred to Committee on Roads, with instructions to report a bill in accordance therewith.

Mr. Mason, from Committee on Judiciary, reported

C. B. No. 8, "A bill for an act to establish a Criminal Code for the Territory of Nebraska," with sundry amendments thereto.

Which, on motion, were adopted.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 2, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 38, "A bill for an act changing the time for convening the Legislative Assembly of the Territory of Nebraska, and other purposes."

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Also, the following:

COUNCIL CHAMBER,
Oct. 2, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 34, "Joint memorial and resolution relative to a homestead."

Also,

C. B. No. 15, "An act providing for the appointment of deputies."

Also,

C. B. No. 18, "An act authorizing private persons to sue out writs of *quo warranto* and *mandamus.*"

Also,

C. B. No. 39, "An act to authorize Richard Kimball and Richard

Hogaboom to establish and keep a ferry across the Platte river at Larimer city."

Also,

C. B. No. 10, "A bill for an act concerning county prisons in Nebraska."

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

C. B. No. 10, "A bill for an act concerning prisons in Nebraska,"

Was read first and second time, and referred to Committee on Public Buildings and Grounds.

C. B. No. 15, A bill providing for the appoinment of deputies,"

Was read first and second time, and referred to Committee on Militia.

C. B. No. 18, "An act authorizing private persons to sue out writs of *quo warranto* and *mandamus*,"

Was read first and second time and referred to Committee on Judiciary.

C. B. No. 39, "An act authorizing Richard Kimball and Richard Hogaboom to establish and keep a ferry across the Platte river at Larimer city,"

Read first and second time and referred to Committee on Incorporations.

C. B. No. 34, "Joint memorial and resolution relative to a homestead,"

Read first and second time and referred to Commmittee on Judiciary.

Mr. Noel, from Committee on Engrossed and Enrolled Bills, reported H. B. No. 10, "An act to create a lien in favor of mechanics and others in certain cases," as correctly engrossed.

Mr. Briggs, from Joint Committee of Conference, submitted the following report:

Your Committee of Conference, appointed on the part of the Council and House of Representatives, having had under consideration C. B. No. 4, "A bill for an act changing the time fixed by law for convening the Legislative Assembly," beg leave to submit as a substitute for the the same, C. B. No. 38, "A bill for an act changing the time for convening the Legislative Assembly of the Territory of Nebraska, and other puposes," and unanimously recommend its passage.

R. W. FURNAS,
W. G. CRAWFORD,
CLINTON BRIGGS,
WM. J. YOUNG,
WM. A. GWYER.

On motion of Mr. Rankin,

The report of the committee was accepted.

Mr. Rankin moved that the subject matter of the report be indefinitely postponed.

Mr. Steinberger moved to lay the motion to postpone on the table,

On which the ayes and nays were called.

Ayes.—Messrs. Bramble, Briggs, Cassell, Clark, Collier, Cooper, Davis of Cass, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Roeder, Steele, Steinberger, Young.—18.

Nays.—Messrs. Davis of Washington, Daily, De Puy, Marquette, Rankin, Seymour, Stewart, Taffe, Wattles.—9.

Carried.

Mr. Briggs now moved to adopt the report of the Committee of Conference.

Carried.

C. B. No. 8, "A bill to establish a Criminal Code for the Territory of Nebraska," was now taken up on its third reading, during which

On motion of Mr. Daily,

Further reading of the bill was dispensed with, the rules suspended, and the bill read a third time by title and put on its passage.

On which the ayes and nays were called:

Ayes.—Messrs. Bramble, Briggs, Cassell, Clark, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, Fleming, Gwyer, Hall, Lee, Marquette, Mason, Noel, Rankin, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—27.

Nays.—0.

Passed and title agreed to.

On motion of Mr. Gwyer,

The House proceeded to business on the Speaker's table.

C. B. No. 38, "A bill for an act changing the time of convening the Legislative Assembly of the Territory of Nebraska, and other purposes,"

Was read first time.

On motion of Mr. Gwyer,

The rules were suspended, and the bill read second and third times by title, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Dean, Doom, Fleming, Gwyer, Hall, Lee, Mason, Noel, Rankin, Roeder, Seymour, Steele, Young, Steinberger.—23.

Nays—Messrs. Daily, Marquette, Stewart, Taffe, Wattles.—5.

Carried.

Bill passed and title agreed to.

H. B. No. 10, "A bill for an act to create a lien in favor of mechanics and others in certain cases,"

Was read third time and put on its passage, on which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Daily, Dean, Doom, Fleming, Gwyer, Lee, Marquette, Mason, Noel, Rankin, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe, Young.—25.

Nays.—0.

Carried.

Bill passed and title agreed to.

On motion of Mr. Clark,

The House took a recess until 3½ o'clock P. M.

3½ o'clock P. M.

The House having resumed business.

On motion,

A committee of three were appointed to act with a like committee from the Council, whose business it should be to wait upon His Excellency the Governor with bills passed and obtain his signature to the same.

Committee—Messrs. Collier, Noel and Lee.

On motion,

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. Rankin in the Chair.

The committee rose without making any report.

The following message from the Council was received:

Council Chamber,
Oct. 2d, 1858.

Mr. Speaker:

I am directed to inform your honorable body that the Council have concurred in the amendments of the House to C. B. No. 8, "An act to establish a Criminal Code for the Territory of Nebraska."

S. M. CURRAN, Chief Clerk.

Messrs. Davis of Washington and Cooper obtained leave of absence until Tuesday next.

Mr. Mason obtained leave of absence for two days.

Mr. Gwyer moved to adjourn until Monday morning at 9 o'clock.

Carried; and

The House adjourned at 5 o'clock P. M.

AN ACT

Changing the time for convening the Legislative Assembly of the Territory of Nebraska, and other purposes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Nebraska,* That the regular session of the General Assembly of the Territory of Nebraska, which was to have been held commencing on the first Monday in January, 1859, is hereby declared and made to commence on Monday the 4th day of October, 1858.

§ 2. The officers of the Conncil and House of Representatives elected at the extra session convened by the proclamation of the Governor and commenced on the 21st day of September, 1858, shall continue and be the officers of the regular session, and the unfinished business of the Council and House of Representatives, done and transacted in the extra session, shall be acted upon and treated in the same manner as if the same had been done and performed in the regular session.

§ 3. The regular session of the Legislative Assembly of this Territory, after the one named in the first section of this act, shall convene at the Capitol on the first Monday of November, A. D. 1859, and on the same day annually thereafter.

§ 4. This act to take effect from and after its passage.

HIRAM P. BENNET,
Speaker of the House.

WM. G. CRAWFORD,
President of the Council, *pro tem.*

Approved October 2, 1858.

W. A. RICHARDSON.

I hereby certify the foregoing to be a true copy from the original bill on file in this office.

Witness my hand and the great seal of the Territory, this [L. S.] fourth day of October, 1858.

J. STERLING MORTON,
Secretary of Nebraska.

MONDAY, October 4, 1858.

By and in accordance with the provisions of the foregoing act,
The House of Representatives met this day at nine o'clock A. M.

Hon. H. P. Bennet, Speaker.
E. G. McNeely, Chief Clerk.
Hugh McNeely, Assistant Clerk.
John Howard, Engrossing and Enrolling Clerk.
J. D. N. Thompson, Sergeant-at-Arms.
E. H. Rogers, Doorkeeper.
Rev. Smith, Chaplain.
Henry Crowell, Page.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Daily gave notice of a bill to authorize Wm. A. Taylor, his heirs and assigns, to keep a ferry across the Missouri river at St. Deroin, in Nemaha county, Nebraska Territory.

Mr. Roeder gave notice of a bill entitled an act to incorporate the town of West Point in Cuming county.

Mr. Roeder, on leave, introduced
H. B. No. 17, "A bill to organize Cuming county,"
Which was read first time.

Mr. Steinberger gave notice of a bill for the repeal of the charters of the suspended banks in the Territory.

On motion of Mr. Fleming,
Business on Speaker's table was taken up..
Resolution introduced on Saturday relative to calling the ayes and nays on final passage of bill, &c., was taken up.
Mr. Gwyer moved to adopt.
Mr. Rankin moved that the resolution lie on the table.
Carried.

C. B. No. 2, "A bill for an act to license the sale of malt, spiritous and vinous liquors in the Territory of Nebraska."
Was taken up, and
On motion of Mr. Fleming,
Referred to Committee on Judiciary.
Mr. Clayes moved that the House take a recess for one hour.
Carried.
The House having resumed business,
Mr. Steinberger from the Committee on Militia submitted the following report:

Your committee to whom was referred C. B. No. 15, "An act to provide for the appointment of Deputies," having had the same under consideration, respectfully beg leave to report the same back without amendment, and recommend its passage.

R. G. DOOM,
M. F. CLARK,
S. H. WATTLES,
JOHN A. STEINBERGER.

Report accepted.

C. B. No. 15, "An act providing for the appointment of deputies," Was now taken up.

Mr. Collier moved its reference to Committee on Judiciary.

Lost.

Mr. Rankin moved that the bill be read section by section.

Carried.

And the bill was so considered.

Mr. Rankin moved to amend section one, by inserting the word "county," before the word "clerk."

Also,

To strike out the words, "and be approved by the authority that has the approval of the principal bond."

Lost.

Mr. Clayes moved that the bill lie on the table for printing, and that its further consideration be made the special order of the day for Wednesday next.

Carried.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 4, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed C. B. No. 16, "An act relating to oaths and acknowledgments," and the concurrence of the House is requested.

I also return H. B. No. 13, "An act to authorize citizens to view the public records," the same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Hall from Committee on Accounts and Expenditures submitted the following report:

Your committee to whom was referred that portion of the Governor's Message, which relates to the salaries of the Territorial Auditor and Treasurer, having had the same under consideration, would respectfully ask leave to submit a correspondence from R. C. Jordan, Territorial Auditor, as a part of this report.

We would also submit the accompanying bill and recommend its passage; provided, however, that the words "fifteen hundred," in section one, and the words "one thousand," in section two, we would consider as blanks for the purposes of this report, said blanks to be filled by this House.

All of which is respectfully submitted,

WM. B. HALL,
S. H. WATTLES,
R. W. STEELE,
J. B. WASSON.

Accompanying the foregoing report came the following communication from R. C. Jordan, Territorial Auditor:

OMAHA,
September 30, 1858.

Gentlemen of the Committee:

I have drawn up a short bill amendatory to the act approved March 16, 1855, making slight alterations in sections 25 and 26 of that act. The bill as amended makes the salary of the Auditor fifteen hundred dollars per annum, of the Treasurer one thousand dollars per annum.

As these amounts are payable in territorial warrants, which are now selling at from 30 to 40 cents on the dollar, no one can, with any reason, object to the amount, when I inform you that in the Auditor's office in particular, the whole work from the beginning in 1855, has to be gone over, and a new set of books opened in regular order, and the compensation for one year would not be equivalent to the amount of work to be performed.

The Treasurer wishes me to state to you that inasmuch as he is under bonds to the amount of $25,000, and the labors of his office to be increased by the passage of the new revenue bill, he should be entitled to $1,000 per annum.

Yours, respectfully,
R. C. JORDAN,
Territorial Auditor.

Accompanying the foregoing report came also

H. B. No. 18, "An act to amend an act entitled 'An act creating the offices and defining the duties of Territorial Auditor, Treasurer and Librarian,' approved March 16, 1855."

On motion of Mr. Young,

The bill was referred back to the same committee, with instructions to report a bill entire within itself, without reference to any former act, on Wednesday next.

Mr. Rankin moved that the Committee on Ways and Means be instructed to report back,

H. B. No. 6, "An act for tho collection of the revenue," in order that the same might be printed.

Lost.

Mr. Gwyer moved that the committee be instructed to report the bill back with any amendments they might recommend, and that its consideration be made the special order of the day for Thursday next.

Carried.

C. B. No. 16, "An act relating to oaths and acknowledgments,"
Was read first time.
Mr. Clayes moved that the bill lie on the table.
Carried.
Mr. Clayes moved to adjourn,
Carried, and
The House adjourned at 11 3-4 o'clock A. M.

TUESDAY, October 5, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Daily presented the petition of Wm. A. Taylor and others asking a charter for a ferry across the Missouri river at a point in Nemaha county.

Mr. Daily, on leave, introduced,

H. B. No. 19, "A bill for an act to authorize Wm. A. Taylor, his heirs and assigns to keep a ferry across the Missouri river at Saint Deroin,"

Which, was read first time.

Mr. Fleming, on leave, introduced,

H. B. No. 20, "A bill for an act regulating ferries,"

Which was read first time, and ordered to be printed.

Mr. Stewart gave notice of a bill to repeal certain portions of an act approved January 26, 1856, relative to a civil code.

Mr. Marquette, on leave, introduced,

H. B. No. 21, "A bill for an act to make legal the collection of taxes for the year A. D. 1857,"

Which was read first time.

Mr. Marquette moved that the rules be suspended and the bill read a second time by title and referred to Committee on Judiciary.

Lost.

Mr. Young gave notice of a bill providing for the taking up and disposal of estrays.

Mr. Doom, on leave introduced,

H. B. No. 22, "An act entitled an apportionment law,"

Which was read first time, and ordered to be printed.

Mr. Hall from committee on accounts and expenditures reported a bill entitled, "An act regulating the salaries of the Territorial Auditor and Treasurer," as a substitute for H. B. No. 18, "An act to amend an act creating the offices and defining the duties of Territorial Auditor, Treasurer and Librarian, approved March 16, 1855."

On motion of Mr. Briggs,

The report and substitute recommended were adopted by the House.

Mr. Daily moved that the rule of this House prohibiting legislation on special laws, be indefinitely suspended.

On which the ayes and nays were called.

Ayes—Messrs. Bramble, Collier, Davis of Cass, Daily, Doom, Fleming, Marquette, Noel, Roeder, Seymour, Stewart, Taffe, Young.—13.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Dean, Gwyer, Hall, Lee, Mason, Norwood, Steele, Steinberger, Wasson, Wattles.—14.

Lost.

Mr. Noel from the Committee on Engrossing and Enrolling Bills reported,

H. B. No. 13, "An act to authorize citizens to view the public records," as correctly enrolled.

On motion of Mr. Hall,

The House now took up,

H. B. No. 18, "An act to regulate the salaries of the Territorial Auditor and Treasurer."

Bill read first time.

On motion of Mr. Mason,

The rules were suspended and the bill read second time by title.

Mr. Mason moved to fill blank in section one, by inserting "eight hundred."

Mr. Dean moved to fill same blank by inserting "five hundred."

Mr. Clark moved to insert "one thousand."

Question first had on motion to insert "one thousand."

Lost.

Question had on motion to insert "eight hundred."

Carried.

Mr. Steele moved to fill blank in section two, by inserting "four hundred.

Mr. Clark moved to fill same blank by inserting "six hundred."

Mr. Briggs moved to insert "five hundred."

Question first had on motion to insert "six hundred."

Lost.

Question on motion to insert "five hundred."

Lost.

Question on motion to insert "four hundred."

Carried.

On motion of Mr. Clayes,

The rules were suspended and the bill now read a third time.

The bill was then passed and the title agreed to.

On motion of Mr. Mason,

The House now proceeded to business on the Speaker's table.

H. B. No. 17, "A bill to organize Cuming county,"

Was read second time, and

On motion of Mr. Mason,

Referred to Committee on County Seats and Boundaries.

Mr. Collier from Committee on Judiciary reported,

C. B. No. 2, "A bill for an act to license the sale of malt, spiritous and vinous liquors in the Territory of Nebraska," with sundry amendments thereto.

On motion,

The report was received.

Mr. Steinberger moved to postpone further consideration of the bill until Friday next.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 5, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed C. B. No. 33, "A bill for an act to locate and establish a territorial road from Nebraska city to Salem," and the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Steele moved that the House now go into Committee of the Whole, for the consideration of

C. B. No. 2, "A bill for an act to license the sale of malt, spiritous and vinous liquors in the Territory of Nebraska."

Carried.

The House went into Committee of the Whole, Mr. Steele in the Chair.

The committee having risen,

Mr. Steele reported that the committee had had the bill under consideration and recommended its reference to a special committee of three, with instructions to report a new bill at some future day.

The report having been received,

Mr. Clark moved the appointment of a special committee of three in accordance therewith.

Carried.

The Chair appointed on such committee

Messrs. Clark, Daily and Collier.

On motion of Mr. Mason,

The House now adjourned at 12 o'clock M.

WEDNESDAY, October 6, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Wasson gave notice of a bill for a charter for a ferry across the Missouri river at Wyoming, in Otoe county.

Mr. Mason, from Committee on Judiciary, reported,

C. B. No. 34, "Joint Memorial and Resolution relative to a Homestead," without amendment, and recommended its passage,

Which bill was then read third time and passed.

On motion of Mr. Fleming,

The title of the bill was so amended as to read: "Memorial and Joint Resolution relative to a Homestead."

Mr. Mason, from Committee on Judiciary, to which were referred House Bills Nos. 1, 2, 7, 10 and 15, Bills for a Homestead Exemption act, submitted the following report:

"The undersigned, to whom were referred various Homestead Exemption Bills have carefully examined and considered the same, and would respectfully report the accompanying substitute for the consideration of the House, and recommend its passage:

Your committee would further state, that in addition to the ordinary reasons and arguments in favor of the wisdom of legislative action protecting the homesteads of families from forced sale and execution, the peculiar situation of the people of this Territory, and their present circumstances, urge this policy upon us, with a force which we can not resist, animated as we are by a desire to subserve the public good. But one year ago, everything around us rejoiced in the sunlight of prosperity and success. Enterprise was conducting our people through a thousand avenues, illuminated with the brilliant torchlight of hope, to individual and national wealth.

The conquest of the wilderness went on like the work of magic; civilization was fast rearing her altars on the camp ground of the savage, and on every hand abounded the certain indications of thrift and contentment. But suddenly a cloud came upon the prospects of our people, and the gloom of midnight succeeded the brightness of noon day. A financial revulsion without parallel in the history of our country has entirely deranged the affairs of our people; and the ruin of thousands of our citizens is inevitable unless they are upheld and sustained by the helping hand of legislation.

The home of the settler, the scene and the result of his hardship and toil, must go to swell the fortune of the merciless speculator and heartless and foreign money lender, unless the law, armed with justice, shall say to the avaricious and grasping creditor, "Thus far shalt thou go, and no farther." And unless this is done, I fear a spiritless inaction will succeed to and take the place of that tireless energy and persevering industry which has hitherto characterized our young and vigorous population.

Our people are not responsible for this state of things; no human sagacity could have averted the evil. It came upon us like an avalanche, and has swept away the prospect which encouraged our individual efforts, and abated the ardor of enterprise which guaranteed our success.

Your committee is clearly of the opinion that a liberal Homestead Law is more loudly called for by the wants of our people than any one other act of legislation. The passage of such a law would not only relieve our own citizens from their present embarrassment, but would encourage emigration, offering, as it would, an inducement for settlement amongst us of that class who have felt the hand of adversity most severely in other parts of the country. Many a man of enterprise and possessed of good business qualifications would thus be induced to gather up the remnants of a broken fortune, and purchase a homestead among us, and here upon our broad prairies and from our generous soil, would, in the enjoyment of his home, by the fostering care of legislation, rear a home which would be an ornament to our country and a proud heritage for his children.

Another great benefit, universal in its application, which would result from the passage of a liberal homestead law, would be the blow that would be given to the credit system, that most dangerous of all systems; which destroys alike all who trust to the plaudits of its admirers.

For these and other reasons equally and still more weighty, your committee would most respectfully urge the early passage of a liberal homestead exemption law.

O. P. MASON.

On motion of Mr. Briggs,

The report was accepted.

Mr. Clayes moved that the reported be printed.

Lost.

H, B. No. 23, "A bill for an act to exempt a homestead and certain other property from forced sale,"

As reported by Committee on Judiciary, was now taken up on its introduction, and

On motion of Mr. Clayes,

Was ordered to be printed, and its consideration made the special order of the day for Saturday next.

Mr. Stewart, from Committee on Judiciary, submitted the following report:

Your committee, to whom was referred H. B. No. 16, "An act explanatory of an act regulating the disposal of lands purchased in trust for town sites, approved Feb. 10, 1857," having had the same under consideration, beg leave to report the accompanying substitute, and recommend the passage of the same.

O. P. MASON,
JAMES STEWART,
D. L. COLLIER,
T. M. MARQUETTE,
R. W. STEELE.

On motion,

The report was accepted.

The bill reported by the commitee was now taken up, and

On motion of Mr. Rankin,

Was recommitted to same committee, with instructions to report a bill containing the entire law.

On application of Mr. Daily,

Mr. Seymour obtained leave of absence.

Mr. Mason, from Committee on Judiciary, reported

H. B. No. 24, "An act to abolish the office of Attorney-General,"

And recommended its passage.

The bill was then read a first, second and third time, under a suspension of rules, passed and title agreed to.

On motion of Mr. Clark,

The House now proceeded to business on the Speaker's table and special orders of the day.

C. B. No. 15, "A bill providing for the appointment of deputies,"

Was now considered.

Mr. Rankin moved to amend, in section one, by striking out the words, "and be approved by the authority that has the approval of the principal's bond."

Carried.

Mr. Steinberger moved to recommit the bill to a select committee of three, to consist of Messrs. Rankin, Taffe and Collier.

Lost.

Mr. Hall moved to amend by inserting the word "respectively," after the word "librarian," in section one.

Carried.

Mr. Davis of Washington moved to amend, by striking out all of section four.

Mr. Davis of Cass moved, as an amendment to the motion to amend, to strike out all in section four after the word "fit."

Carried.

Motion to amend as amended.

Carried.

On motion of Mr. Rankin,

Section five was amended, by striking out all contained within the parenthesis.

On motion of same gentleman,

Section six was amended by inserting after the word "salary," the words "and no fees."

On motion of Mr. Davis of Cass,

The bill was now read third time, passed and title agreed to.

The following message from the Council was received:

Council Chamber,
Oct. 6, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 35, "Joint resolution and memorial relative to the construction of a wagon road from the Platte river to the Kansas line."

Also,

C. B. No. 52, "Memorial and joint resolution on the subject of court houses and jails."

And the concurrence of the House is requested.

I have also to inform you that the Council have concurred in the amendment of the House to the title of C. B. No. 34.

S. M. CURRAN, Chief Clerk,

H. B. No. 21, "A bill for an act to make legal the collection of taxes for the year A. D. 1857,"

Was read second time, and

On motion of Mr. Briggs,

Referred to Committee on Ways and Means.

H. B. No. 19, "A bill for an act to authorize Wm. A. Taylor, his heirs and assigns to keep a ferry across the Missouri river at Saint Deroin,"

Was now taken up.

Mr. Mason moved the indefinite postponement of the bill.

Lost.

Mr. Clayes moved that the bill be read second time and referred to Committee on Internal Improvments.

Carried.

C. B. No. 33, "A bill for an act to locate and establish a territorial road from Nebraska city to Salem."

Was read first and second time, by title and referred to Committee on Roads.

C. B. No. 35, "Joint memorial and resolution relative to the construction of a wagon road from the Platte river to the Kansas line."

Was read first and second time and referred to Committee on Federal Relations.

C. B. No. 52, "Memorial and joint resolution on the subject of court houses and jails,"

Was read a first time, and

On motion of Mr. Rankin,

Was laid on the table.

Messrs. Davis of Cass and Doom obtained leave of absence until Tuesday next.

Mr. Lee moved that the special committee to whom was referred,

C. B. No. 2, "A bill for an act to license and regulate the sale of malt, spirituous and vinous liquors in the Territory of Nebraska,"

Be instructed to report on Tuesday next.

Carried.

On motion of Mr. Clark,

The House now adjourned at 12 o'clock M.

THURSDAY, October 7, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Daily presented a petition from Isam Holland and others in relation to the boundary line between Nemaha and Otoe counties.

On motion,

The petition was referred to Committee on County Seats and County Boundaries.

Mr. Wasson, on leave, introduced,

H. B. No. 25, "A bill for an act to establish a ferry across the Missouri river at Wyoming city, Nebraska Territory."

Which, on motion,

Was referred to Committee on Internal Improvements.

Mr. Stewart, on leave introduced,

H. B. No. 26, "An act to amend an act entitled, an act for revising, consolidating and preparing a general code for the Territory of Nebraska, approved January 26, 1856."

Which was read first and second time, and referred to Committee on Judiciary.

Mr. Rankin, from Committee on Roads, to which was referred

C. B. No. 13, "A bill for an act to amend an act entitled, an act for locating, opening, repairing and changing county roads, approved January 26, 1856,"

Reported the same back to the House with the following amendments, viz:

In section two; strike out "two dollars," and insert in place thereof, "three dollars;" in the same section strike out "one dollar and fifty cents," and insert "two dollars."

In section five, strike out the word "written."

In section seven, after the words "official bond," insert the words, "to pay; and after the word county, insert "a fine not less than five dollars nor exceeding fifty dollars, to be recovered by civil action."

In section eleven, strike out "two dollars," and insert "three dollars."

In section twelve, first line, before the word "annual," insert "semi," and after the word "April," insert "and October;" and in same section strike out "one dollar and a half" and insert "two dollars;" and after the word "settlement," in second line, insert the words, "under oath."

"§ 13. If any person appointed supervisor shall, after reasonable notice, fail to qualify and enter upon the duties of his office in due time, or, when appointed and qualified, shall neglect or refuse to account according to law, for any moneys which may come into his hands by the provisions of this act, he shall be fined ten dollars; if said fine is for non-acceptance of his office, payment of the same shall exempt him from reappointment for one year."

On motion, the report was received.

On motion of Mr. Mason,

The House now went into Committee of the Whole, for the consideration of the bill and the report thereon, Mr. Mason in the Chair.

While in Committee of the Whole, the Speaker took the Chair for the purpose of receiving the following messages from the Council:

Council Chamber,
Oct. 7, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 30, "An act to amend sections numbers forty-two, forty-three and *fifty-three of chapter number three of the* Third Session Laws," and

C. B. No. 58, "Joint Memorial and Resolution relative to the Ponca Indians,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Council Chamber,
Oct. 7, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"
Also,
C. B. No. 50, "A bill to incorporate a university in Cass county,"
Also,
C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute,"
Also,
C. B. No. 20, "A memorial for a land grant,"

And the concurrence of the house is requested.

I also inform you that the Council has concurred in the amendments of the House to C. B. No. 15, "An act providing for the appointment of deputies."

S. M. CURRAN,
Chief Clerk.

The House having resumed business,

Mr. Mason, from Committee of the Whole, reported

C. B. No. 13, "A bill for an act to amend an act entitled 'An act for locating, opening, repairing and changing county roads,' approved January 26, 1856,"

With the amendments proposed to the same by the Committee on Roads, together with the following, adopted in Committee of the Whole, and recommended its passage with these amendments.

Sec. 14. The supervisor shall collect all specific tax, levied on lands for road purposes, by giving three days' notice in writing to all persons owning lands and living in his district, by leaving a written notice at such person's usual place of residence, specifying the time and place where such tax may be paid in work; said supervisor shall also post one such notice in some public place in his district. The supervisor shall allow all persons working out said specific tax three dollars per day; and all lands upon which said tax is not paid according to notice, the supervisor shall, on the first Monday of November of each year, return to the collector of taxes, as delinquent, and then said collector shall proceed to collect said tax for the benefit of said road district, as delinquent taxes on lands are collected in other cases. Said taxes, when collected, to be paid to said supervisor to be expended according to law.

§ 15. Every road laid out under the provisions of this act shall be sixty-six feet wide.

§ 16. All acts and parts of acts conflicting with this act are hereby repealed.

Also,

In section three, strike out the words, "in the book in which the proceedings of the board of commissioners are kept," and insert "in a book to be kept for that purpose."

Also,

In section six, strike out the words, "action of debt," and insert "civil action."

Mr. Mason moved that the amendments reported by the Committee of the whole be adopted.

Carried.

Mr. Gwyer moved to amend section fourteen, by striking out "three dollars," and inserting in place thereof, "one dollar and a half."

Mr. Rankin moved to insert "four dollars."

Mr. Briggs moved to insert "two dollars."

Question first had on inserting "four dollars."

Ayes and nays called:

Ayes.—Messrs. Clark, Clayes, Daily, Fleming, Noel, Rankin, Roeder, Shields, Steele, Steinberger, Wattles.—11.

Nays—Messrs. Bramble, Briggs, Cassell, Collier, Davis of Washington, Dean, Gwyer, Hall, Lee, Marquette, Mason, Norwood, Stewart, Taffe, Wasson, Young.—16.

Lost.

Question had on inserting "two dollars."

Ayes and nays called:

Ayes—Messrs. Briggs, Collier, Hall, Wasson.—4.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Davis of Washington, Daily, Dean, Fleming, Gwyer, Lee, Marquette, Noel, Norwood, Rankin, Roeder, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—23.

Lost.

Question had on inserting "one dollar and a half."

Ayes and nays had:

Ayes—Messrs. Briggs, Gwyer, Hall, Mason.—4.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Davis of

Washington, Daily, Dean, Fleming, Lee, Marquette, Noel, Norwood, Rankin, Roeder, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—23.

On motion of Mr. Rankin,

The bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Steele,

The House took a recess until 3 o'clock P. M.

3 o'clock P. M.

The House having been called to order,

On motion of Mr. Briggs,

The business on the Speaker's table was taken up.

C. B. No. 58, "Joint Memorial and Resolution relative to the Ponca Indians,"

Was read first, second and third time, passed and title agreed to.

C. B. No. 20, "Memorial for a land grant,"

Was read first and second time.

Mr. Gwyer moved to refer the bill to Committee on Federal Relations.

Lost.

Mr. Bramble moved to refer to Committee on Roads.

Carried.

C. B. No. 30, "An act to amend sections forty-two, forty-three and fifty-three of chapter number three of the Third Session Laws,"

Was read first and second time and referred to Committee on Judiciary.

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"

Was now taken up.

Mr. Fleming moved to refer to Committee on Judiciary.

Ayes and nays called:

Ayes—Messrs. Cassell, Clayes, Collier, Davis of Washington, Fleming, Gwyer, Hall, Mason, Noel, Steinberger.—10.

Nays—Messrs. Bramble, Briggs, Daily, Dean, Lee, Marquette, Rankin, Roeder, Shields, Steele, Stewart, Taffe, Wasson, Wattles.—14.

Lost.

Mr. Steele moved to refer the bill to the Committee of the Whole.

Lost.

Mr. Briggs moved to refer to Committee on Corporations.

Mr. Mason moved to refer to a special committee of three.

Mr. Daily moved the previous question, and was sustained.

Call of the House ordered.

Absent—Messrs. Clark and Norwood.

On motion of Mr. Briggs,

All further proceedings under call were dispensed with.

The main question was now ordered and put, viz:

The motion to refer to Committee on Incorporations.

Ayes and nays had:

Ayes—Messrs. Briggs, Davis of Washington, Daily, Lee, Marquette, Rankin, Roeder, Shields, Stewart, Taffe, Wasson, Wattles, Speaker.—13.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Mason, Noel, Steele, Steinberger.—13.

Lost.

Mr. Mason, now moved to refer the bill to a special committee of five.

Carried.

The Chair appointed as such committee, Messrs. Mason, Stewart, Steinberger, Rankin and Briggs.

C. B. No. 50, "A bill to incorporate a university in Cass county,"

And

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute,"

Were, on motion,

Referred to same committee.

The Doorkeeper obtained leave of absence for two days.

Mr. Rankin, moved to reconsider the vote by which C. B. No. 13, "A bill for an act to amend an act entitled, an act for locating, opening, repairing and changing county roads, approved January 26, 1856" was laid over until to-morrow.

Carried.

Mr. Rankin now moved to suspend the rules, read the bill a third time by title and put it on its passage.

Mr. Gwyer moved to read the bill in full,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clark, Collier, Davis of Washington, Daily, Dean, Fleming, Gwyer, Hall, Lee, Marquette, Rankin, Roeder, Shields, Steele, Steinberger, Stewart, Wasson, Wattles.—20.

Nays—Messrs. Cassell, Taffe.—2.

Carried.

Mr. Daily moved to adjourn.

Lost.

Mr. Daily moved to lay the bill on the table.

Lost.

The bill was now read a third time,

Passsed and title agreed to.

On motion of Mr. Daily,

The House now adjourned at 5 o'clock P. M.

FRIDAY, October 8th, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stewart moved that the rule adopted in the early part of the session excluding special legislation be rescinded.

On this motion, Mr. Fleming moved the previous question, and was sustained; and the main question ordered.

The main question being put,

The ayes and nays were had:

Ayes—Messrs. Bramble, Davis of Washington, Daily, Shields, Steele, Stewart, Wattles, Young.—8.

Nays—Messrs. Briggs. Cassell, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Rankin, Roeder, Seymour, Steinberger, Taffe, Wasson.—18.

Lost.

Mr. Wasson moved a temporary suspension of the same rule.

Mr. Clayes moved to lay the motion on the table.

On which the ayes and nays were called:

Ayes—Messrs. Cassell, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Lee, Mason, Noel, Roeder, Seymour, Shields, Steinberger.—15.

Nays—Messrs. Bramble, Briggs, Davis of Washington, Daily, Rankin, Steele, Stewart, Taffe, Wasson, Wattles, Young.—11.

Carried.

Mr. Dean gave notice of a bill to restrain hogs and sheep from running at large in Pawnee county.

Mr. Dean, on leave, introduced

H. B. No. 27, "A bill to locate a territorial road from Rulo to Blue Springs,"

Which was read a first and second time, and referred to Committee on Roads.

Mr. Davis of Washington gave notice of a bill to relocate the seat of justice of Washington county

Mr. Hall gave notice of a bill to provide for the erection of a court house and jail in Otoe county.

Mr. Fleming, from Committee on Federal Relations, submitted the following report:

Mr. Speaker:

The Committee on Federal Relations, to whom was referred C. B. No. 35, "Joint memorial and resolution, relative to the construction of a wagon road from the Platte river to the Kansas line," would most respectfully report that they have had the same under consideration, and after carefully examining the subject, deem it unnecessary to present an extended argument for the purpose of impressing upon this House the importance of a thoroughfare so obviously of public utility.

Your Committee would therefore most respectfully beg leave to report the same back to this House, and recommend its passage.

WM. C. FLEMING, Ch'n,
WM. J. YOUNG,
A. C. DEAN,
W. A. GWYER.
T. M. MARQUETTE.

On motion of Mr. Gwyer,

The report was adopted.

C. B. No. 35, "Joint memorial and resolution relative to the construction of a wagon road from the Platte river to the Kansas line,"

Was now taken up, read third time, passed, and title agreed to.

Mr. Davis of Washington, from Committee on County Seats and County Boundaries, made the following report:

Your committee, to whom was referred the petitions from Dixon and Dakota counties, praying for the organization of a new county to be called "Dixon," having had the same under consideration, beg leave to report the accompanying bill and recommend its passage.

CHARLES D. DAVIS, Chairman,
S. G. DAILY,
D. T. BRAMBLE.

On motion,

The report was received.

H. B. No. 28, "A bill for an act to organize the county of Dixon, define the boundaries, and locate the county seat thereof,"

Accompanying the foregoing report, was now taken up, and

On motion,

Referred to a select committee of three, consisting of Messrs. Rankin, Dean and Fleming.

Mr. Stewart gave notice of a bill to regulate limited partnerships.

The Speaker of the House obtained leave of absence until Monday next.

Mr. Rankin, from Committee on Roads, reported back

C. B. No. 20, "Memorial for a land grant,"

Without amendment, and recommended its passage.

On motion,

The report was adopted, and

The bill read third time, passed, and title agreed to.

On motion of Mr. Steele,

Business on Speaker's table was taken up.

H. B. No. 20, "A bill for an act regulating ferries,"

Was read second time.

Mr. Davis of Washington moved that the House go into Committee of the Whole for the further consideration of the bill.

Carried, and

The House went into Committee of the Whole, Mr. Davis in the chair.

While in Committee of the Whole, the Speaker took the chair in order to receive the following message from the Council:

Council Chamber,
Oct. 8, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 58, "An act to remunerate Wm. S. Walker for copying the 'CriminalCode,'"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

The House having resumed business,

Mr. Davis of Washington, from the Committee of the Whole, reported back to the House H. B. No. 20, "A bill for an act regulating ferries," and recommended that it be referred to a select committee of five, and that Mr. Fleming be chairman of said committee.

On motion,

The report was adopted, and

The Chair appointed as such committee, Messrs. Fleming, Mason, Rankin, Taffe and Daily.

Mr. Collier moved that Mr. Fleming be declared elected Speaker pro tem., during the absence of the Speaker.

Carried.

C. B. No. 58, "An act to remunerate Wm. S. Walker for copying the 'Criminal Code,'"

Was read a first and second time, and referred to Committee on Ways and Means.

On motion of Mr. Mason,

The House now adjourned at 12 o'clock M.

SATURDAY, October 9, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Hall, on leave, introduced,

H. B. No. 29, "An act to provide for the erection of a court house and jail in the county of Otoe,"

Which was read a first and second time, and referred to a select Committee of Three,

Consisting of Messrs. Hall, Lee, and Wasson.

Mr. Shields gave notice of a bill to locate and establish a territorial road from Bellevue to Forrest city.

Also,

Of a bill to locate and establish a road from Bellevue to Elkhorn city.

Mr. Steinberger, on leave, introduced,

H. B. No. 30, "An act to repeal certain acts of the Legislative Assembly."

Which was read a first and second time and referred to Committee on Banks and Currency.

Mr. Steinberger presented a memorial from the citizens of Platte and Monroe counties, asking for an appropriation for repairing the embankment at the end of the bridge known as the Elkhorn bridge, across the Elkhorn river.

Which was referred to Committee on Roads.

Mr. Stewart, on leave, introduced

H. B. No. 31, "An act concerning limited partnerships,"

Which was read first and second time, and referred to Committee on Judiciary.

Mr. Steele gave notice of a bill for a territorial road, beginning at Florence, and intersecting the military road at or near the bridge on the Little Pappillion.

Mr. Briggs gave notice of a bill entitled "An act to change the time of holding general elections."

Mr. Dean presented a petition relative to a road from Rulo to Blue Springs,

Which was referred to Committee on Roads.

Mr. Rankin gave notice of a bill to amend the city charter of the city of Bellevue, in Sarpy county.

Mr. Marquette moved that the rule of this House prohibiting bills of a local nature from being introduced except for the purpose of reference to committees, be indefinitely suspended: Provided, that all bills or business of a general nature before the House, be disposed of on each day, before proceeding to act upon special legislation.

On which the ayes and nays were called:

Ayes.—Messrs. Bramble, Cassell, Collier, Davis of Washington, Daily, Hall, Lee, Marquette, Noel, Norwood, Shields, Steele, Stewart, Taffe, Wasson, Young.—16.

Nays:—Messrs. Briggs, Clark, Clayes, Dean, Gwyer, Rankin, Roeder, Seymour, Steinberger.—9.

A two-third vote being required to suspend the rule, the motion was lost.

Mr. Rankin moved to reconsider the last vote.

Carried.

Mr. Mason here gave notice of a bill entitled "An act to define the duties of officers."

The question recurring on the motion to suspend the rule,

Mr. Briggs moved to amend by suspending for this day only.

Carried.

Question on the motion as amended.

Carried.

Mr. Steinberger moved that the special order for this day be deferred until Wednesday next.

Carried.

Mr. Noel offered the following resolution, which was adopted:

Resolved, That the Engrossing and Enrolling Clerk of this House be authorized to employ an assistant, whenever the accumulation of business may require it.

Mr. Mason, from special committee, to which were referred

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"

C. B. No. 50, "A bill to incorporate a university in Cass county," and

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute,"

Reported the same back to the House, with sundry amendments to each bill, and recommended their passage as amended.

On motion of Mr. Clayes,

The amendments proposed by the committee, to the three bills, were adopted by the House.

The following message from the Council was now received:

Council Chamber,
Oct. 9, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council have concurred in the amendments of the House to

C. B. No. 13, "A bill for an act to amend an act, entitled 'An act for locating, opening, repairing and changing county roads, approved January 26, 1856,'" in sections two, three, five, six, seven, eleven, twelve and sixteen, but the Council do not concur in the addition of sections thirteen, fourteen and fifteen.

S. M. CURRAN, Chief Clerk.

Mr. Mason now moved to take up

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute."

Carried.

The bill was then, a first time, and under a suspension of rules read a second time, by title.

Mr. Clayes moved to amend the bill, by striking out all that portion which provided for the exemption from taxation of any of the property owned by said institute.

The following message from the Council was received:

Council Chamber,
Oct. 9, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 28, "A bill for an act authorizing certain parties to erect a mill dam across the Great Nemaha river."

Also,

C. B. No. 44, "A bill for an act to authorize Luther Hoadley and others to erect a mill dam."

Also,

C. B. No. 53, "A bill for an act to authorize Heath Nuckols and N. J. Sharp to keep a ferry at Yancton, N. T."

Also,

C. B. No. 55, "A bill for an act to authorize C. M. Greever and others to keep a ferry across the Missouri river at St. Deroin, in Nemaha county."

Also,

C. B. No. 56, "A bill for an act to authorize J. T. Whyte and others to establish a ferry at Aspinwall, Nemaha county."

Also,

C. B. No. 60, "A bill for an act to fix the time of holding the general election."

Also,

C. B. No. 32, "A bill for an act to amend chapter two of the laws of 1857, relative to district courts."

And the concurrence of the House is requested.

I also return you

H. F. No. 24, "An act to abolish the office of Attorney General,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Clayes now asked to withdraw his motion to amend,

Which the Chair permitted him to do.

Mr. Rankin rose to the following point of order, viz:

"When a motion is made and seconded, it is in possession of the House, and can not be withdrawn without the consent of the House."

The Chair overruled the point of order raised,

Whereupon, Mr. Rankin appealed from the decision.

The question being upon the decision of the Chair,

The ayes and nays were called—result as follows:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Daily, Dean, Gwyer, Lee, Noel, Roeder, Steele, Young.—13.

Nays—Messrs. Marquette, Briggs, Mason, Norwood, Rankin, Seymour, Shields, Steinberger, Stewart, Taffe, Wasson.—11.

Chair sustained.

Mr. Clayes, having withdrawn his previous motion, now moved to amend as follows:

Strike out all that portion of the bill and report of committee which provides that all property held for the endowment of professorships shall be exempt from taxation, and provide that such exemption shall be confined to the grounds, buildings and library, which shall not exceed in amount one hundred thousand dollars.

Mr. Steele moved to refer the bill, together with the amendments thereto, to the Committee on Judiciary, with instructions to report a general law for all denominations.

On which the ayes and nays were had:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Roeder, Steele.—11.

Nays—Messrs. Briggs, Collier, Daily, Lee, Marquette, Noel, Norwood, Rankin, Seymour, Shields, Stewart, Taffe, Wasson, Young.—14.

Lost.

Question recurring on the motion to amend,

Mr. Rankin moved its indefinite postponement.

Mr. Clayes moved to lay the motion to postpone on the table.

Lost.

Mr. Steele moved for a recess until 3 o'clock P. M.

Lost.

Question recurring upon the motion to indefinitely postpone.

The ayes and nays were had:

Ayes—Messrs. Briggs, Collier, Daily, Lee, Marquette, Noel, Norwood, Rankin, Shields, Stewart, Taffe, Wasson, Young.—13.

Nays.—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Roeder, Seymour, Steele.—12.

Carried.

Mr. Clayes moved to adjourn.

Lost.

Mr. Rankin moved to refer the bill before the House, together with C. B. No. 49, "A bill to incorporate a seminary in Cass county," and C. B. No. 50, "A bill to incorporate a university in Cass county," to a special committee of three, with instructions to report on Monday next.

Mr. Clayes moved to amend by referring to Committee on Judiciary.

On which the ayes and nays were had:

Ayes.—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Noel, Roeder, Steele.—11.

Nays.—Messrs. Briggs, Collier, Daily, Lee, Marquette, Norwood, Rankin, Seymour, Shields, Stewart, Taffe, Wasson, Young.—13.

Lost.

The ayes and nays were now called on the motion for a special committee.

Result as follows:

Ayes.—Messrs. Briggs, Cassell, Collier, Daily, Gwyer, Lee, Marquette, Noel, Norwood, Rankin, Shields, Stewart, Taffe, Wasson, Young.—15.

Nays.—Messrs. Bramble, Clark, Clays, Dean, Fleming, Hall, Mason, Roeder, Seymour, Steele.—10.

Carried, and

Messrs. Rankin, Marquette and Steele were appointed to act as such committee.

Mr. Wattles obtained leave of absence.

On motion,

Adjourned at 2 o'clock P. M.

MONDAY, October 11, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Call of the House ordered.

Absent, Messrs. Dean, Bramble, Briggs, Gwyer, Hall, Clayes, Mason, Steele.

On motion,

All further proceedings under call were dispensed with.

Mr. Briggs was excused from attendance.

Mr. Norwood obtained leave of absence.

Mr. Lee offered the following resolution:

Resolved, That the Honorable J. B. Wasson be and is hereby excused for non-attendance during the extra session commencing September 21, and that the Secretary is hereby requested to pay him the same *per diem* as other members of this House.

On motion,

The resolution was adopted.

Mr. Mason gave the following notice of bills:

Of a bill entitled, an act for the discharge of insolvent debtors.

"An act to regulate enclosures and to provide against trespassing animals."

A bill for an act to prevent frauds and perjuries.

A bill securing the benefits of the writ of *habeas corpus.*

A bill for an act for the encouragement and protection of live fences.

A bill for an act for the regulation of county jails.

A bill for an act to provide for the preservation and safe keeping of the journals of the council and house of representatives of the Territory of Nebraska.

A bill for an act to enable the trustees of colleges, academies, seminaries, universities and other institutions for the purpose of promoting education, to become bodies corporate.

Mr. Mason, on leave, introduced,

H. B. No. 32, "A bill for an act entitled, an act for the discharge of insolvent debtors."

Mr. Rankin moved that the bill be printed.

Lost.

Mr. Gwyer moved to refer the bill to the Committee on Judiciary.

Carried.

Mr. Marquette, on leave, introduced,

H. B. No. 33, "A bill for an act to change and redefine the boundaries of Calhoun county."

Read first and second time, and referred to Committee on County Seats and County Boundaries.

Mr. Taffe offered the following resolution:

Resolved, That No. 30 of the rules of this House, relative to motions, shall be so construed as to permit the withdrawal of the same according to established parliamentary usage.

Laid over under rule.

Mr. Seymour, from Committee on Agriculture, to which was referred

C. B. No. 9, "A bill for an act to establish a territorial board of agriculture,"

Reported the same back to the House, with sundry amendments thereto, and recommended its passage as amended.

On motion,

The report was accepted.

Mr. Rankin, from special committee to which was referred

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"

C. B. No. 50, "A bill to incorporate a university in Cass county," and

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute,"

Submitted the following report, which was accepted:

Your committee, to whom were referred

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"

C. B. No. 50, "A bill to incorporate a university in Cass county;" and

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute,"

With the amendments thereto, have had the same under consideration, and the majority of the committee, believing them to be right and proper, would report them back to the House without further amendment, and respectfully recommend their passage.

It has been objected to these corporations that they were unrestricted in the amount of property they may acquire and hold in the territory, and that they are liable to become great monopolies in our midst.

The idea of such unlimited power may, at first, strike those who lose sight of the exclusive objects of the institutions, as dangerous to the welfare of the territory.

But as we find the powers conferred by the several bills strictly guarded and exclusively confined to the one object of education (for there are no other powers conferred by them), the sole question which remains is, can they have too much power to educate?

Is there any danger of the facilities of education becoming too great? Is there any danger of the people of the Territory ever becoming too well educated? too literary? too scientific? too much enlightened? The proposition that they may, bears absurdity on its face. So thoroughly have all our enlightened states been convinced that the real danger in the case lies in the contrary direction, that we have sought in vain for an example of an institution of the kind, where all of its means are to be devoted to education, being restricted in the amount of its capital. If the persons to whom you are about to intrust the educational interests contemplated, are proper persons to educate at all, they certainly should not be restricted in the means of accomplishing their work. If not, they should not, by authority, be allowed to educate at all.

Again, the proposition that they should be restricted in the mode of the investment of their funds, seems to be equally absurd. There is no more inconvenience or danger to the public in their holding their endowment in lands, than in bank stocks, bonds and mortgages, or cash. Hence we claim that restriction to a limited amount of lands or any other particular kind of property, can work no good, whilst it might embarrass or even defeat the enterprise.

As to the propriety of the exemption of the property from taxation, it is a broad and plain question, upon which there can be only two opinions. As their entire property must be used for only one object, it is either right to exempt it all from taxation, or it is not proper to exempt any portion of it. The almost universal custom amongst enlightened states of all countries, of exempting the property of educational and other purely benevolent institutions, from taxation, commends itself as a custom founded in sound and enlightened policy; and we should be exceedingly sorry to see Nebraska in her infancy start off in the opposite direction.

As the sole object of government is the public good, can it be proper that it should impose any burden or barrier in the way of a purely beneficent enterprise? Certainly not. As it will be at once readily admitted that proper education is a pure beneficence, we are brought to the only question of importance that is at issue—the basis of all the objections that can be raised. That is, is education as contemplated in these bills, a proper education? Shall education under the direction of the Methodist Episcopal church be deemed proper, or shall it be restricted and taxed?

Your committee, in recommending the passage of these bills, are influenced solely by what they deem the best interests of the Territory, and would take this occasion to state that whilst they gladly extend encouragement and protection to Methodism, they would with equal willingness do as much for any other denomination which would show its appreciation of the boon by asking for it.

Your committee would further express the hope that it will be the policy of this and future legislatures, to give to all churches such immunities and protection as contemplated in these bills, that our virgin soil may be the theater of a generous rivalry in spreading abroad the ennobling influences of education and religion.

All of which is respectfully submitted.

B. P. RANKIN, Chairman,
T. M. MARQUETTE.

Mr. Steele, from same committee, asked further time to submit minority report, which was granted.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor for his approval or rejection,

H. B. No. 24, "An act to abolish the office of Attorney General."

On motion of Mr. Clayes,

Business on the Speaker's table was taken up.

C. B. No. 32, "A bill for an act to amend chapter two of the Laws of 1857, relative to district courts,"

Was read first time.

Mr. Rankin moved that the House go into Committee of the Whole for the further consideration of the bill,

On which the ayes and nays were had:

Ayes—Messrs. Daily, De Puy, Gwyer, Lee, Rankin, Seymour, Shields, Steele, Steinberger.—9.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Hall, Marquette, Mason, Noel, Roeder, Stewart, Taffe, Wasson, Wattles, Young.—16.

Lost.

On motion of Mr. Steele,

The rules were suspended and the bill read a second time by title.

Mr. Clayes moved to refer the bill to Committee on Judiciary, and on that moved the previous question, which was sustained.

On ordering the main question,

The ayes and nays were called with the following result:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, De Puy, Gwyer, Hall, Lee, Marquette, Mason, Noel, Roeder, Shields, Steele, Steinberger, Wasson, Young.—19.

Nays—Messrs. Daily, Rankin, Seymour, Stewart, Taffe, Wattles.—6.

Carried.

The main question was now had.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Gwyer, Hall, Lee, Marquette, Mason, Roeder, Speaker, *pro tem.*—13.

Nays—Messrs. Daily, De Puy, Noel, Rankin, Seymour Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—13.

Lost.

Mr. Rankin moved that the House now go into Committee of the Whole on the bill.

On which the ayes and nays were called:

Ayes—Messrs. Daily, De Puy, Gwyer, Lee, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—15.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Hall, Marquette, Mason, Roeder.—10.

Carried.

The House resolved itself into Committee of the Whole.

Mr. Stewart in the Chair.

During the sitting of the committee, the Speaker took the Chair, in order to receive the following message from the Council:

Council Chamber,
Oct. 11, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed:

C. B. No. 59, "A bill for an act to change the time for convening the Legislative Assembly."

Also

C. B. No. 62, "An act to incorporate the Beatrice Bridge and Ferry Company."

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Also the following:

Council Chamber,
Oct. 11, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. [illegible]7, " Joint resolution relative to the publication of the Criminal Code."

And the concurrence of the House is respectively requested.

S. M. CURRAN, Chief Clerk.

The House having resumed business,

Mr. Taffe, from Committee of the Whole, reported back,

C. B. No. 32, "A bill for an act to amend chapter two of the laws of 1857, relative to district courts,"

Without amendment, and recommended its passage.

Mr. Rankin moved that the rules be suspended, and the bill read a third time and put on its passage.

Mr. Clayes moved to adjourn,

On which the ayes and nays were called:

Ayes—Messrs. Cassell, Clark, Clayes, Collier, Hall, Marquette, Mason, Roeder, Stewart, Taffe.—10.

Nays—Messrs. Cooper, Davis of Washington, Daily, Dean, De Puy, Gwyer, Kline, Lee, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wattles, Young.—16.

Lost.

The ayes and nays were now called on the motion to suspend the rules—result as follows:

Ayes—Messrs. Cooper, Davis of Washington, Daily, Dean, De Puy, Gwyer, Kline, Lee, Noel, Rankin, Shields, Steele, Steinberger, Wattles, Young.—15.

Nays—Messrs. Cassell, Clark, Clayes, Collier, Hall, Marquette, Mason, Roeder, Seymour, Stewart, Taffe.—11.

A two-third vote being required, the motion was lost.

Mr. Clayes moved to adjourn.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Davis of Washington, Hall, Marquette, Mason, Roeder, Stewart, Taffe.—12.

Nays—Messrs. Cooper, Daily, Dean, De Puy, Gwyer, Kline, Lee, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wattles, Young.—15.

Lost.

Mr. Mason moved to amend the bill by striking out all of section four.

Lost.

Mr. Stewart moved to adjourn.

Lost.

Mr. Rankin moved to refer the bill to a special committee of five.

Mr. Mason moved its reference to the Committee on Incorporations.

Mr. Gwyer moved to lay the last motion on the table.

Carried.

Question had on referring to a special committee.

Carried.

The Chair appointed as such

Committee—Messrs. Rankin, Collier, Daily, Mason and Kline.

On motion of Mr. Dean,

The House now adjourned at 3½ o'clock P. M.

TUESDAY, October 12, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Dean gave notice of a bill for a territorial road from Nebraska city to Pawnee city.

Mr. Davis of Washington introduced

H. B. No. 34, "A bill for an act to annul the marriage contract between Louisa C. Tapping and Alfred B. Tapping,"

Which was referred to a select committee of three, consisting of Messrs. Davis of Washington, Taffe, and Rankin.

Mr. Bramble gave notice of the following named bills:

A bill to incorporate the Nashville coal mining company.

A bill to incorporate the Ionia town and ferry company.

A bill to authorize S. B. Stough and H. A. Fuller, or their assigns, to build a dam on Ayowa creek, Dakota county.

A bill to incorporate the Nebraska lead mining company.

A bill to locate a territorial road from Ponca in Dakota county, via Crawford to Pacific city on the Running Water river, and

A bill to locate a territorial road from Ionia in Dixon county, to Fontenelle, in Dodge county.

Mr. Rankin, from select committee to which was referred

C. B. No. 32, "A bill to amend chapter two, of the laws of 1857, relative to district courts,

Submitted the following majority report:

Your committee would most earnestly and respectfully urge the passage of this bill. In the opinion of your committee, the necessities of the people, during these gloomy days of financial embarrassment, demand some relief measures at the hands of the Legislature.

Your committee are fully aware of the deep feeling which exists in the minds of some with regard to this bill, and of the strong opposition which will be urged against its passage. But we report that the *crisis* calls for it, and that the Legislature in passing it, will act in accordance with the doctrine of the "greatest good to the greatest number."

All of which is respectfully submitted.

B. P. RANKIN.
L. M. KLINE.

Mr. Kline moved that the report be adopted by the House.

Mr. Clayes moved to lay the motion to adopt on the table.

Lost.

The following message from the Executive was received:

EXECUTIVE OFFICE,
Oct. 11, 1858.

Mr. Speaker:

I am instructed by the Governor to inform the House, that he has this day signed and approved

H. B. No. 24, "An act to abolish the office of attorney general."

J. McCONIHE,
Private Secretary.

Mr. Collier, from special committee, to which was referred

C. B. No. 32, "A bill to amend chapter two of the Laws of 1857, relative to district courts," Submitted the following minority report thereon:

The minority of your special committee, to whom was referred C. B. No. 32, "A bill to amend chapter two of the Laws of 1857, relative to district courts," respectfully reports:

We have considered this bill and can not recommend its passage by this House.

The bill, if it becomes a law, will operate unfairly, and discriminate in favor of the debtor to the great injury of the creditor, and open a wide avenue to fraud.

We are anxious to shield debtors, at this unfortunate period, from unreasonable sacrifice of property for the satisfaction of their debts. It is undoubtedly true that there is almost a destitution of floating capital in the territory, and if property is sold without some restriction under proceedings at law, it must be sold at a rate far below its real value, and the sacrifice enforced upon a debtor will be immeasurable and unjust.

And here we believe the Legislature ought to exercise its power for the protection of debtors, by the enactment of a just law of appraisement, and such other constitutional laws as may be needful, to restrain the sale of property at ruinous rates.

But the legislative power ought never to be exercised in such a manner as to prevent or delay creditors in the *assertion* of their rights; or by taking away remedies, to indirectly impair the legal obligation of contracts.

The bill before your committee delays and injures the remedy of creditors, and, in effect, postpones the assertion of their rights until debtors who may be dishonestly inclined may transfer or dispose of their property, and render the prosecution of their claims to judgment useless.

We are of the opinion that the bill, in all its general features, is of doubtful constitutionality, believing that it does impair the obligation of contracts; and we especially point out the fourth section of the bill, and hold that section to be unconstitutional.

Believing that debtors may be protected by other and constitutional laws, and considering the true interests of the territory, and the welfare and prosperity of the people, we recommend that this bill be rejected.

DAVID S. COLLIER,
O. P. MASON.

Question now had on the motion to adopt the majority report, and Carried.

C. B. No. 32, "A bill to amend chapter two of the Laws of 1857, relative to district courts,"

Being now before the House,

Mr. Marquette moved the following amendment to the bill:

"The provisions of this act shall not extend to, or in any manner affect, the rules or proceedings in any cases now pending in adjourned terms of courts whose regular terms were appointed by law, at a period prior to the time of the taking effect of this act; nor to appealed cases which do not amount to over fifty dollars in value."

Lost.

Mr. Rankin moved that the bill be read a third time and put on its passage.

On which the ayes and nays were had:

Ayes—Messrs. Cassell, Cooper, Daily, Dean, De Puy, Fleming, Gwyer, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wasson, Wattles, Young.—19.

Nays—Messrs. Bramble, Briggs, Clark, Clayes, Collier, Davis of Washington, Hall, Mason, Roeder, Stewart, Taffe.—11.

Carried.

The bill was now read a third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Cassell, Cooper, Daily, Dean, De Puy, Fleming, Gwyer, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wasson, Wattles, Young.—19.

Nays—Messrs. Bramble, Briggs, Clark, Clayes, Collier, Davis of Washington, Hall, Mason, Roeder, Stewart, Taffe.—11.

Carried.

Bill passed and title agreed to.

Mr. Steinberger moved to reconsider, and to lay that motion on the table.

Ayes and nays called:

Ayes—Messrs. Cassell, Cooper, Davis of Washington, Daily, Dean, De Puy, Fleming, Gwyer, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wasson, Wattles, Young.—20.

Nays—Messrs. Bramble, Briggs, Clark, Clayes, Collier, Hall, Mason, Roeder, Stewart, Taffe.—10.

Carried.

Mr. Steele, from special committee, submitted the following minority report:

The undersigned respectfully submits the following minority report of the special committee, to whom was referred C. B. Nos. 49, 50 and 51, bills for the incorporation of educational and biblical associations.

Feeling a deep interest in the incorporation and protection of all charitable institutions, and that the same privileges may be extended to all denominations and associations equally, would submit this report with the accompanying bill, and earnestly recommend its passage.

R. W. STEELE.

Accompanying the above report, came

H. B. No. 35, "An act to enable the trustees of colleges, academies, universities and other institutions, for the purpose of promoting education, to become bodies corporate."

On motion,

The report was accepted.

Mr. Rankin moved that the House go into Committee of the Whole on the majority and minority reports on

Council Bills Nos. 49, 50 and 51, bills for the incorporation of a seminary, a university and a biblical institute in Cass county, together with those bills.

Carried; and

The House went into Committee of the Whole,

Mr. Rankin in the Chair.

The Committee having risen,

Mr. Rankin reported back

C. B. No. 49, "A bill to incorporate a seminary in Cass county," and

C. B. No. 50, "A bill to incorporate a university in Cass county,"

And recommended their passage.

Also,

C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute," and the

General Bill accompanying the minority report on the same, without recommendation.

Report accepted.

Mr. Mason moved that the rules be suspended, and

C. B. No. 49, "A bill to incorporate a seminary in Cass county,"

Be read a first, second and third time, and put on its passage.

Carried, and

The bill was read a first, second and third time, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Davis of Washington, Daily, De Puy, Kline, Lee, Marquette, Noel, Rankin, Roeder, Seymour, Shields, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—19.

Nays—Messrs. Cassell, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Steele.—9.

Carried.

Bill passed and title agreed to.

C. B. No. 50, "A bill to incorporate a university in Cass county,"

Was now taken up, and under a suspension of rules read a first and second time.

Mr. Clayes moved to amend the bill by adding the following, viz:

"Nothing in this act shall be construed to be a barrier to the resumption of all power by the constitutional convention (whenever such convention may assemble), which may be necessary to determine the principles upon which the taxes shall be apportioned, or necessary to the universal application of such principles."

Mr. Daily moved to lay the amendment on the table.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Washington, Dailey, De Puy, Lee, Marquette, Rankin, Seymour, Shields, Steinberger, Stewart, Taffe, Wattles, Young.—14.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Noel, Roeder, Steele, Wasson.—13.

Carried.

The bill was now read a third time and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Davis of Washington, Daily, De Puy, Hall, Kline, Lee, Marquette, Noel, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—21.

Nays — Messrs. Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Mason.—7.

Bill passed.

Mr. Steele moved to amend the title of the bill so as to make it read, "A bill to incorporate the Evans University in Cass county."

Lost.

The title of the bill was then agreed to.

Mr. Rankin moved that the rules be suspended, and C. B. No. 51, "A bill to incorporate the Dempster Biblical Institute," be read a third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Washington, Daily, De Puy, Kline, Lee, Marquette, Noel, Rankin, Roeder, Seymour, Shields, Steinberger Stewart, Taffe, Wasson, Wattles, Young.—18.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Dean, Fleming, Gwyer, Hall, Mason, Steele.—10.

A two-third vote being required to suspend the rules, the motion was lost.

Mr. Gwyer moved for the reading of the minority report on the bill, together with the "Bill for a general law," accompanying said report.

Mr. Rankin moved to lay the motion on the table.

Lost.

Mr. Steinberger moved for a recess until 2½ o'clock P. M.

Carried.

2½ o'clock P. M.

The Speaker called the House to order and stated the question to be on the motion to read the minority report, and the bill in connection therewith.

Mr. Steinberger moved that further consideration of the question be deferred for one half hour.

Carried.

Mr. Fleming moved that the rule of this House prohibiting special or local legislation, be rescinded.

On which the ayes and nays were called:

Ayes.—Messrs. Bramble, Briggs, Davis of Washington, Daily, Dean, De Puy, Fleming, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—19.

Nays.—Messrs. Cassell, Clark, Clayes, Collier, Kline, Mason, Roeder, Steele.—8.

Carried.

Mr. Steinberger moved to reconsider, and to lay that motion on the table.

Ayes and nays called:

Ayes.—Messrs. Bramble, Briggs, Davis of Washington, Daily, Dean, De Puy, Fleming, Lee, Marquette, Noel, Rankin, Shields, Seymour, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—19.

Nays—Messrs. Cassell, Clark, Clayes, Collier, Gwyer, Kline, Mason, Roeder, Steele.—9.

Carried.

Mr. Steinberger moved that

C. B. No. 51, " A bill to incorporate the Dempster Biblical Institute,"

Be taken up, read third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Washington, Daily, Dean, De Puy, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steinberger, Stewart, Taffe, Wattles, Young.—17.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Fleming, Gwyer, Hall, Roeder, Steele, Wasson.—11.

Carried.

The bill was now read a third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Washington, Daily, De Puy, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steinberger, Stewart, Taffe, Wattles, Young.—16.

Nays—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Dean, Fleming, Gwyer, Hall, Mason, Roeder, Steele, Wasson.—13.

Carried.

Bill passed and title agreed to.

Mr. Rankin moved to reconsider, and to lay that motion on the table.

Carried.

The motion to read the minority report and the bill for a general law for the incorporation of colleges, &c., accompanying said report,

Was now taken up, and

Carried.

After some time being spent therein,

On motion of Mr. Roeder,

Further reading was dispensed with and the bill, viz: H. B. No. 35, "An act to enable the trustees of colleges, academies, universities and other institutions for the purpose of promoting education to become bodies corporate,"

Read a first and second time by title.

On motion of Mr. Gwyer,

The bill was now referred to Committee on Common Schools.

On motion of Mr. Fleming,

Business on Speaker's table was now taken up.

C. B. No. 28, "A bill for an act to authorize certain parties to erect a mill dam across the Great Nemaha river."

Read first and second time, and referred to Committee on Incorporations.

C. B. No. 44, "A bill for an act to authorize Luther Hoadley and others to erect a mill dam."

Read first and second time, and referred to Committee on Corporations.

C. B. No. 53, "A bill for an act to authorize Heath Nuckols and N. J. Sharp to keep a ferry at Yancton,"

Was read a first and second time, and referred to Committee on Corporations.

C. B. No. 55, "A bill for an act to authorize C. M. Greever and others to keep a ferry across the Missouri river at Saint Deroin in Nemaha county,"

Was read a first and second time, and referred to same committee.

C. B. No. 62, "An act to incorporate the Beatrice bridge and ferry company,"

Was read a first and second time, and referred to Committee on Roads.

C. B. No 59, "A bill for an act to change the time for convening the Legislative Assembly."

Was read a first time.

Mr. Marquette moved that the rules be suspended and the bill read a second and third time by title and put upon its passage.

Lost.

C. B. No. 57, "Joint resolution relative to the publication of the criminal code,"

Was read a first and second time, and referred to Committee on Ways and Means with instructions to report on to-morrow.

C. B. No. 56, "A bill for an act to authorize J. T. Whyte and others to establish a ferry at Aspinwall, in Nemaha county,"

Was read a first and second time, and referred to Committee on Corporations.

C. B. No. 60, "A bill for an act to fix the time of holding the general elections,"

Was read a first and second time, and referred to Committee on Privileges and Elections.

Mr. Briggs obtained leave of absence.

C. B. No. 9, " A bill for an act to establish a territorial board of agriculture,"

Was read third time.

Mr. Mason moved to re-commit the bill to the Committee on Agriculture, with instructions to amend section eight, by striking out the words, " eighty acres," and inserting in place thereof, " three hundred and twenty acres."

Lost.

The bill was then passed and title agreed to.

H. B. No. 22, "An act entitled, an apportionment law,"

Was read second time and referred to a special committee of five, consisting of Messrs. Taffe, Steinberger, De Puy, Hall, and Fleming.

H. B. No. 23, "A bill for an act to exempt a homestead and certain other property from forced sale,"

Was read first time.

C. B. No. 13, "A bill for an act to amend an act for locating, opening, changing and repairing county roads, approved January 26, 1856,"

Was taken up for the consideration of the amendments proposed by the House and in which the Council refused to concur.

On motion of Mr. Mason,

The House receded from the amendment proposed by section thirteen.

Mr. Mason moved that the House recede from the amendment proposed by section fourteen.

On which the ayes and nays were called:

Ayes.—Messrs. Bramble, Collier, Davis of Washington, Gwyer, Hall, Lee, Mason.—7.

Nays.—Messrs. Cassell, Clays, Daily, Dean, De Puy, Fleming, Kline, Marquette, Noel, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles, Young.—20.

Lost.

Mr. Daily moved that the House do insist on its amendment.

Carried.

Mr. Clayes moved that the House do insist on the amendment proposed by section fifteen.

Carried.

Mr. Gwyer moved for a committee of conference, to act with a like committee from the Council, on the consideration of the bill now before the House.

Carried.

The Speaker appointed Messrs. Gwyer, Daily, and Davis of Washington as such committee.

On motion of Mr. Hall,

The committee were instructed to insert in the bill a clause having reference to the erection of guide boards.

On motion of Mr. Wasson,

The committee were further instructed to amend the bill by inserting after the word " written," the words " or printed."

Resolution introduced on yesterday in relation to Rule No. 30, Was taken up, and

On leave of the House, withdrawn.

Mr. Young moved to amend Rule No. 30, by adding thereto the words, "by the consent of the House."

Mr. Steinberger moved to lay the motion on the table.

Carried.

On motion of Mr. Steinberger,

The House now adjourned at 5 o'clock P. M.

WEDNESDAY, October 13, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 13, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 61, "An act to change the county seat of Cuming county."

Also,

C. B. No. 19, "A bill for an act to change the style of the enacting clause of the laws."

Also,

C. B. No. 65, "An act to incorporate the town of North Bend in Dixon county, N. T."

Also,

C. B. No. 66, "An act to incorporate the town of Wacapana, Cedar county, N. T.

And the concurrence of the House is respectfully requested.

I also return to you

H. B. No. 18, "An act regulating the salaries of the Territorial Auditor and Treasurer,"

The same having passed the Council without amendment.

I also return

H. B. No. 10, "A bill for an act to create a lien in favor of mechanics and others in certain cases,"

The same having passed the Council with this amendment—in section thirteen, fourteenth line, strike out the words "eleventh and twelfth," and insert "tenth and eleventh."

S. M. CURRAN, Chief Clerk.

Mr. Lee gave notice of a bill to restrain sheep and swine from running at large in certain counties in this Territory.

Mr. Doom gave notice of a bill to incorporate Rock Bluff city.

Also,

Of a bill to authorize Thomas Patterson to erect a mill dam across Rock creek.

Mr. Davis of Cass gave notice of a bill to authorize George W. Hunt to keep a mill dam across the south branch of Weeping Water.

Also,

Of a bill entitled "Fences."

Also,

Of a bill to authorize each commissioner's district to elect its own County Commissioner.

Mr. Bramble, on leave, introduced

H. B. No. 36, "A bill for an act to incorporate the Ionia Town and Ferry Company,"

Which was read first time.

Mr. Bramble, on leave, also introduced

H. B. No. 37, "A bill for an act to authorize John H. S. Grove and Charles F. Putnam to run a ferry across the Missouri river at Ponca landing, Dakota county."

Read first time.

Mr. Kline gave notice of a bill to authorize persons owning improvements to place gates across the public highways.

Also,

Of a bill to prevent trespassing on timber lands.

Mr. Daily, from the Committee on Ways and Means, submitted the following report:

Your committee, to whom was referred

H. B. No. 6, "A bill for the collection of the revenue,"

Beg leave to report a new bill as a substitute.

Your committee would submit, that to arrange a Revenue Bill, so as to work smoothly, without clashing, is perhaps the most difficult duty required in the formation of a new code of laws; and though your committee have used great care, they are by no means certain that the bill reported is without fault, and on account of its importance, would ask of the House its most careful consideration, and to that end would recommend that the bill be laid on the table to be printed.

S. G. DAILY, Chairman,
J. H. SEYMOUR,
LEWIS M. KLINE,
B. P. RANKIN,
WM. C. FLEMING.

On motion of Mr. Gwyer,

The report was accepted, and the bill ordered printed.

On motion of Mr. Marquette,

Businesss on the Speaker's table was taken up.

C. B. No. 61, "An act to change the county seat of Cuming county,"

Was read a first and second time, and referred to a special committee of three, consisting of Messrs. De Puy, Roeder, and Kline.

C. B. No. 19, "A bill for an act to change the style of the enacting clause of the laws,"

Was read first time.

C. B. No. 65, "A bill to incorporate the town of North Bend, Dixon county, N. T.,"

Was read a first and second time, and referred to Committee on Corporations.

C. B. No. 66, "An act to incorporate the town of Wacapana, in Cedar county, N. T.,"

Was read a first and second time, and referred to same committee.

C. B. No. 59, "A bill for an act to change the time of convening the Legislative Assembly,"

Was read second time, and referred to Committee on Privileges and Elections.

H. B. No. 10, "A bill for an act to create a lien in favor of mechanics and others in certain cases,"

Was taken up, and

On motion of Mr. Gwyer,

The House concurred in the amendment to the bill, proposed by the Council.

Mr. Mason gave notice of a bill for an act for the relief of sureties and bail in certain cases.

H. B. No. 23, "A bill to exempt a homestead and certain other property from forced sale,"

Was read second time.

Mr. Stewart moved that the House go into Committee of the Whole for the further consideration of the bill.

Carried, and

House went into Committee of the Whole, Mr. Stewart in the Chair.

After some time spent therein, the committee rose, reported progress and asked leave to sit again.

On motion of Mr. Clayes,

The House took a recess until 2½ o'clock P. M.

2½ o'clock P. M.

The Speaker having called the House to order,

Mr. Rankin gave notice of a bill entitled "An act to amend an act relative to district courts."

Mr. Steinberger moved that the House go into Committee of the Whole for the further consideration of.

H. B. No. 23, " A bill to exempt a homestead and certain other property from forced sale."

Carried, and

The House went into Committee of the Whole, Mr. Stewart in the Chair.

After some time spent therein, the committee rose and by its chairman reported progress, and asked leave to sit again.

Mr. Clayes moved that the bill be referred to a select committee of five, with instructions to report on to-morrow morning.

Mr. Rankin moved to adjourn.

Lost.

Question on the motion to refer to a select committee.

Carried.

The Chair appointed as such

Committee—Messrs. Clayes, Gwyer, Steele, Kline and Rankin.

Mr. Wasson gave notice of a bill to dissolve the bonds of matrimony between James Pickens and Martha Pickens,

Also,

Of a bill to locate a territorial road from Wyoming, in Otoe county, to a point on Salt creek,

Also,

Of a bill to locate a territorial road from Nebraska city to Plattsmouth.

The following communication from the Engrossing and Enrolling Clerk was read:

House of Representatives,
Oct. 13, 1858.

Mr. Speaker:

In accordance with the resolution of the House, empowering me to appoint an assistant engrossing and enrolling clerk, I have this day appointed Mr. O. C. Burnham.

JOHN HOWARD,
Engrossing and Enrolling Clerk.

On motion of Mr. Davis of Washington,

The House now adjourned at 5 o'clock P. M.

THURSDAY, October 14, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

The following message from the Council was received:

Council Chamber,
Oct. 14, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 67, "A bill for an act to incorporate the Nemaha Valley insurance company,"

Also,

C. B. No. 54, "An act to incorporate the Cedar Hill Cemetery company, of Omaha city,"

Also,

C. B. No. 82, "A bill for an act to fix the times of holding courts in the counties comprising the third judicial district,"

And the concurrence of the House is respectfully requested.

I have also to inform you that the Council has concurred in the amendments of the House to

C. B. No. 9, "A bill for an act to establish a territorial board of agriculture,"

And that Messrs. Reeves and Porter have been appointed to act as committee of conference on the part of the Council in relation to the amendments to C. B. No. 13, "A bill for an act to amend an act entitled an act for locating, opening, repairing and changing county roads, approved January 26, 1856."

S. M. CURRAN, Chief Clerk.

Mr. Daily on leave introduced

H. B. No. 38, "Joint resolution in relation to the extension of the time of pre-empting lands, on certain conditions,"

Which was read a first and second time, and referred to Committee on Federal relations.

Mr. Lee on leave introduced

H. B. No. 39, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe, Nemaha, Richardson and Pawnee counties."

Read first and second time, and referred to select committee, consisting of Messrs. Lee, Daily, Davis of Cass, and Dean.

Mr. Mason, on leave, introduced

H. B. No. 40, "An act for the encouragement and protection of live fence,"

Which was read first and second time and referred to Committee on Agriculture.

Mr. Mason, on leave, also introduced

H. B. No. 41, "An act for the preservation and safe keeping of the journals of the Council and House of Representatives of the Territory of Nebraska,"

Read a first and second time and referred to Committee on Accounts and Expenditures.

The same gentleman, on leave, also introduced

H. B. No. 42, "An act for the regulation of county jails,"

Read first and second time and referred to Committee on Judiciary.

Mr. Wasson, on leave, introduced

H. B. No. 43, "A bill for an act to dissolve the bonds of matrimony between James Pickens and Martha Pickens."

Read first and second time and referred to Committee on Judiciary.

Mr. Noel, from Committee on Engrossed and Enrolled Bills, reported that

H. B. No. 13, "An act to authorize citizens to view the public records," and

H. B. No. 18, "An act regulating the salaries of the Territorial Auditor and Treasurer,"

Had this day been laid before the Governor for his approval or rejection.

Mr. Davis of Cass, on leave, introduced

H. B. No. 44, "A bill to authorize G. W. Hunt to keep a mill dam across the south branch of Weeping Water,"

Which was read first and second time, and referred to Committee on Corporations.

Mr. Doom, on leave, introduced

H. B. No. 45, "A bill to authorize Thos. Patterson to erect a dam across Rock creek,"

Which was read first and second time, and referred to Committee on Internal Improvements.

Mr. Doom, on leave, also introduced

H. B. No. 46, "A bill to incorporate Rock Bluffs city,"

Which was read first and second time, and referred to Committee on Corporations.

The following message from the Executive was received:

Executive Office, N. T.,
Oct. 14, 1858.

Mr. Speaker:

I am instructed by the Governor to inform the House that he has this day signed and approved

H. B. No. 18, "An act relating to the salaries of the Territorial Auditor and Treasurer."

Also,

H. B. No. 13, "An act to authorize citizens to view the public records,"

J. McCONIHE, Private Secretary.

Mr. Steele presented a petition in relation to a ferry at Columbus.

Which was read and referred to a select committee, consisting of Messrs. De Puy, Briggs and Steele.

Mr. Dean gave notice of a bill to incorporate Pawnee city in Pawnee county.

Mr. Roeder, on leave, introduced

H. B. No. 47, "A bill to incorporate the town of West Point, in Cuming county,"

Which was read first and second time, and referred to Committee on County Seats and County Boundaries.

Mr. Bramble, on leave, introduced

H. B. No. 48, "A bill for an act to locate a terrtiorial road from Ponca, Dakota county, to Pacific city on the Running Water river,"

Which was read first and second time, and referred to Committee on Roads.

The same gentleman, on leave, also introduced,

H. B. No. 49, "A bill for an act to authorize S. B. Stough and H. A. Fuller to erect a mill dam across the Ayoway creek at Ponca, Dakota county,"

Which was read a first and second time, and referred to Committee on Corporations.

Mr. Mason gave notice of a bill to make married women responsible on their promissory notes and other obligations.

Mr. De Puy presented a petition praying for a charter for a ferry at Columbus in Platte county,"

Which was referred to a Select Committee, consisting of Messrs. De Puy, Briggs and Steele.

The same gentleman also presented a petition praying for a law to restrain horses and other animals from running at large in the counties of Platte and Monroe,

Which was read and referred to Committee on Agriculture.

Mr. Hall from special committee to which was referred,

H. B. No. 29, "A bill to provide for the erection of a court house and jail in the county of Otoe,"

Reported the same back to the House and recommended its indefinite postponement.

On motion of Mr. Mason,

The bill was recommitted to same committee with instructions to report a bill having reference to the erection of a jail only.

Mr. Rankin, on leave, introduced,

H. B. No. 50, "An act supplemental to an act to amend chapter two of the laws of 1857, relative to district courts,"

Which was read first and second time, and referred to Committee on Judiciary.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 14, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that Messrs. Reeves and Furnas have been appointed a joint committee on the part of the Council, upon the enrollment of bills by virtue of the seventh joint rule of the Council and House of Representatives."

S. M. CURRAN, Chief Clerk.

Mr. Clayes from special committee to which was referred

H. B. No. 23, "A bill to exempt a homestead and certain other property from forced sale,"

Submitted the following minority report:

Your committee to which was referred the bill entitled An act to exempt a homestead and certain other property from forced sale, have had the same under consideration, and beg leave to submit the following minority report:

That your committee are satisfied, that the passage of a homestead law, without limitation of value, would result to the prejudice of a large majority of the people of the Territory.

It would enable the debtor to live in luxury, and enjoy a life of abundance, and ease, while his many creditors, the victims of fraud, would be debarred all remedy. It would prove the refuge of fraud and injustice, after a successful conspiracy to obtain the fruits of honest labor.

Upon this subject the diversity of opinion between the majority and minority proved so great, that a compromise was impossible.

The minority of your committee conceive, that the rights of the creditor should equally be recognized with those of the debtor, and that rigid justice can not permit one man to reserve a luxurious home from out of the property of another. Recognizing as they do the free agency of each individual and his right to make such contracts and engagements as he may choose, they also believe that parties should be compelled to comply with the conditions of their contracts and to keep their engagements.

The consequences of reckless speculation, improvidence or miscalculation, should rest, not with the innocent creditor, but with him alone who neglects the rules of prudence; hence they can not but deprecate any legislation which holds the guilty debtor harmless and visits the injury upon the creditor.

The question for your committee to determine becomes—Has society any right to interfere between debtor and creditor, excepting to oblige the debtor to pay his liabilities to the extent of his means? In reply to which, they confidently declare that no discrimination should be made in favor of the debtor and against the creditor, excepting, so far as may be necessary, to provide himself and family with the means of securing an independence of public charity; humanity requires, and the interests of society alike demand, that they be not permitted to become a public burthen.

This amount, they believe, should be a money limitation, which is left blank in the bill herewith reported, as a substitute for the bill referred to your committee; the general provisions of which your committee recommend for the adoption of this House.

GEORGE CLAYES, Chairman,
WM. A. GWYER.

On motion,

The report was accepted.

On motion of Mr. Steele,

All further consideration of the report and the subject matter connected therewith, was deferred until to-morrow.

Mr. Taffe from Committee on Internal Improvements to which was referred,

H. B. No. 19, "A bill for an act to authorize Wm. A. Taylor, his heirs and assigns to keep a ferry across the Missouri river at Saint Deroin,"

And,

H. B. No. 25, "A bill to establish a ferry across the Missouri river at Wyoming, N. T,"

Reported the same back to the House without recommendation,

On motion,

The report was accepted.

Mr. De Puy from select committee to which was referred,

C. B. No. 1, "An act amendatory of an act entitled, an act to incorporate the Nebraska university."

Submitted the following report:

Your committee having had the above named bill under consideration, recommend its passage, with the following amendments, viz: Strike out all of sections four, six and eight, and amend section nine, so that it will read as follows: Sections one, two, three, five, six, seven, eight, eleven, twelve and thirteen of an act entitled "An act to incorporate the Nebraska University," passed at the first session of the Legislature of Nebraska, be and the same are hereby repealed.

On motion,

The report was received.

Mr. Mason, from Committee on Judiciary, to which was referred

H. B. No. 31, "An act concerning limited partnerships,"

Reported the same back to the House, with the following amendment: Strike out after the word "withdrawn," in the fourth line the words—"either in the shape of dividends, profits or otherwise

Mr. Daily moved that the House adjourn.

Carried, and

The house adjourned at 11 o'clock A. M.

FRIDAY, October 15, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Fleming presented the credentials of Mr. James D. Ramsey, showing him to be entitled to a seat as a member of this House.

Whereupon, the oath of office was duly administered by the Speaker to Mr. Ramsey.

Messrs. Young, Mason and Cooper obtained leave of absence.

Mr. Dean, on leave, introduced

H. B. No. 51, "A bill for a territorial road from Nebraska city to Pawnee city,"

Which was read first and second time, and referred to Committee on Roads.

Mr. Daily, on leave, introduced

H. B. No. 52, "A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, in Nemaha county,"

Which was read a first and second time, and referred to Committee on Corporations.

Mr. Wasson on leave introduced

H. B. No. 53, "A bill for an act to locate a territorial road from Nebraska city to Platte river,"

Which was read a first and second time, and referred to Committee on Roads.

Mr. Wasson, on leave, also introduced

H. B. No. 54, "A bill for an act to locate a territorial road from Wyoming to Salt creek."

Which was read a first and second time, and referred to Committee on Roads.

Mr. Stewart, from Committee on Corporations, reported Council Bills Nos. 7, 28, 36, 44, and 45, without amendment, and recommended their passage. Also, House Bills Nos. 44, 46 and 49.

Also,

C. B. No. 40, "An act to authorize Richard Kimball and Richard Hogaboom to establish and keep a ferry across the Platte river, at Larimer city,"

With the following amendment, viz:

In section four strike out "by an action of debt," and insert, "by civil action."

Mr. Rankin, from special committee to which was referred

H. B. No. 23, "A bill to exempt a homestead and certain other property from forced sale,"

Submitted the following report:

The special committee to whom was referred H. B. No. 23, "A bill to exempt the homestead of families," have had the same under consideration, and after carefully considering its provisions, would respectfully submit the accompanying bill as a substitute and urgently recommend its passage.

A homestead, in the true sense of the term, whether it be the humble cabin or the princely palace, is the centre of the family circle, and the family affections with all the household goods and sacred memories clustering around it. The very term suggests a something which should be secured beyond the reach of misfortune, and its holy precincts should never be invaded by the ruthless tread of the officers of the law. Sheriff, spare that home!

If you tear it from the possession of the owner, and drive him with his wife and children to seek new scenes, you harden a sensitive heart, and strike a fatal blow at that love and pride of state which should swell the heart of every citizen.

A home, with all of its endearments for every family, is the country's best guarantee of good citizenship and a patriotic population. Without it we are Arabs on the plain of life, deprived of those attachments and affections which are awakened and kept warm by the thoughts of "Home, sweet Home."

The very idea of limitation in value to such a possession, does violence to all our most cherished and preconceived notions of a homestead.

There are a thousand things which endear and sanctify the precincts of home above price, to a member of a family, but have no value to the eye of the stranger. The shade tree planted by the father in early manhood, and protecting his children from the suns of summer; the murmuring brook which mirrored the smiles of infancy; the woodbine planted and trained by the mother who is no more. Who shall give value to these, and who would not guard them from the sacrilegious touch of all invaders?

Your committee would see Nebraska covered over its broad extent, with homesteads which would be the pride of every family, and the ornament of the Territory—which the son would improve and the daughter adorn, and the wanderer fondly turn to, as the brightest spot in the memory of years—the sure haven of his hopes in adversity as in prosperity.

Mr. Gwyer, from Committee of Conference, to which was referred

C. B. No. 13, "An act to amend an act entitled an act for locating, opening, repairing and changing county roads, approved January 26, 1856,"

Reported the same back with sundry amendments agreed upon by the committee.

Mr. Collier, from Committee on Judiciary, to which was referred

H. B. No. 26, "An act to amend an act entitled an act for revising, consolidating and preparing a general code for the Territory of Nebraska, approved January 26, 1856,"

Reported the same back without amendment, and recommended its passage.

On motion,

That bill was then read third time, passed and title agreed to.

Mr. Fleming, from select committee, to which was referred

H. B. No. 14, "A bill for an act to establish permanently the county seat of Richardson county, by a vote of the people,"

Reported the same back without amendment, and recommended its passage.

On motion,

The report was adopted.

The bill was then read a first, second and third time,

Passed and title agreed to.

Mr. Briggs from Committee on Privileges and Elections to which was referred,

H. B. No. 59, "An act to change the time for convening the Legislative Assembly,"

Reported the same back to the House and recommended that it do not pass.

On motion,

The report was received.

Mr. Lee from Special Committee to which was referred,

H. B. No. 39, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe, Nemaha, Richardson and Pawnee counties,"

Reported the same back with the amendment of an additional section and recommended its passage.

On motion of Mr. Marquette,

The bill was ordered to lie on the table for printing.

Mr. Noel from Committee on Engrossed and Enrolled bills reported that, H. B. No. 10, " An act to create a lien in favor of mechanics and other in certain cases," had this day been laid before the Governor for his approval or rejection.

On motion,

Business on the Speaker's table was now taken up.

C. B. No. 82, A bill for an act to fix the time for holding courts in the counties comprising the third Judicial district,

Was read first, second and third time,

Passed and title agreed to.

C. B. No. 54, "An act to incorporate the Cedar Hill Cemetery Company of Omaha,"

Was read first and second time and referred to Committee on Corporations.

C. .B No. 67, " A bill to incorporate the Nemaha Valley Insurance Company,"

Was read first and second time, and referred to Committee on Corporations.

H. B. No. 25, " A bill for an act to establish a ferry across the Missouri river at Wyoming city,"

Was read a first and second time, and referred to Committee on Corporations.

On motion,

The House went into Committee of the Whole for the consideration of,

H. B. No. 23, " A bill for an act to exempt a homestead and certain other property from forced sale."

Mr. Steinberger in the Chair.

While in Committee of the Whole,

The Speaker took the Chair in order to receive the following message from the Executive:

EXECUTIVE OFFICE, N. T.,
Oct. 15, 1858.

Mr. Speaker:

I am instructed by the Governor to inform the House that he has this day signed and appoved,

H. B. No. 10, " An act to create a lien in favor of mechanics and others in certain cases."

J. McCONIHE, Private Secretary.

The Committee of the Whole having risen,

By its Chairman reported progress, and asked leave to sit again this afternoon.

On motion of Mr. Rankin,

The House now adjourned at 1 o'clock P. M.

SATURDAY, October 16, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Briggs gave notice of a bill entitled an act for the limitation of actions.

Mr. Seymour, from Committee on Agriculture, to which was referred

C. B. No. 29, "A bill for an act to incorporate the Otoe County Horticultural Society."

Reported the same back without amendment, and recommended its passage.

On motion,

The report was received,

Bill read third time, passed and title agreed to.

Mr. Marquette, on leave, introduced

H. B. No. 55, "An act to provide for the appointment of clerks for the district courts of each county."

Read first and second time, and referred to Committee on Judiciary.

Mr. Steele, from Committee on Judiciary, to which was referred

H. B. No. 50, "An act supplemental to an act entitled an act to amend chapter two of the laws of 1857, relative to district courts,"

Reported the same back without amendment, and recommended its passage.

Mr. Collier, from same committee, submitted the following:

The minority of the Committee on the Judiciary, to which was referred the House bill No. 50, respectfully report:

The bill is more objectionable than the act which it is intended to explain, and interpose in unreasonable and unnecessary delays in enforcing or asserting the right of creditors.

They therefore recommend that the bill be amended by striking out the second section; and make no recommendation as to its passage.

DAVID S. COLLIER,
T. M. MARQUETTE.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 16, 1858.

Mr. Speaker:—

I am instructed to inform your honorable body, that the council has passed

C. B. No. 47, "A bill for an act to amend an act entitled county surveyors," and

C. B. No. 64, "A bill for an act to incorporate Columbus, in Platte county," and

C. B. No. 69, "An act to amend the charter of Bellevue," and

C. B. No. 70, "A bill for an act concerning the powers of district judges," and

C. B. No. 71, "A bill for an act to amend an act incorporating the city of Brownville," and

C. B. No. 73, "An act to establish the county of Poncas," and

C. B. No. 74, "An act to establish a territorial road from Covington, via Crawford, on the Elkhorn, to a point upon the Platte river, on the road from Omaha to Fort Laramie," and

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others, to keep a ferry across the Missouri river," and

C. B. No. 77, "A bill for an act to amend an act entitled 'Elections,' approved January 26, 1856,"

And the concurrence of the House is respectfully requested.

I also inform you that the Council have concurred in the amendments of the House to

C. B. No. 49, "A bill to incorporate a seminary in Cass county," and

C. B. No. 50, "A bill to incorporate a university in Cass county."

S. M. CURRAN, Chief Clerk.

H. B. No. 50, "An act supplemental to an act entitled 'An act to amend chapter two of the Laws of 1857, relative to district courts,"

Being now before the House,

Mr. Collier moved to amend by striking out the second section of the bill.

On this, Mr. Marquette moved the previous question, and was sustained.

Main question ordered.

On the main question the ayes and nays were called, with the following result:

Ayes.—Messrs. Bramble, Briggs, Clark, Clayes, Collier, Fleming, Gwyer, Hall, Marquette, Ramsey, Roeder, Taffe.—12.

Nays.—Messrs. Cassell, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Lee, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Wasson, Wattles.—17.

Lost.

The bill was read a third time, and put on its passage.

On which the ayes and nays were called:

Ayes.—Messrs. Cassell, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Lee, Marquette, Noel, Rankin, Seymour, Shields, Steele, Wasson, Wattles.—17.

Nays—Messrs. Bramble, Briggs, Clark, Clayes, Collier, Fleming, Gwyer, Hall, Ramsey, Roeder, Steinberger, Taffe.—15.

Passed and title agreed to.

Mr. Daily, from Committee on Ways and Means, reported back

C. B. No. 57, "Joint resolution relative to the publication of Criminal Code without amendments and without recommendation."

Mr. Doom moved to amend, by striking out the word Omaha and inserting one paper in each organized county in the Territory.

Lost.

Mr. Gwyer, to amend by instructing the Auditor to procure the printing at the office of the newspaper having the largest circulation, and said printing not to cost more than seventy-five dollars.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Cassell, Clayes, Collier, Davis of Washington, Daily, Dean, Fleming, Gwyer, Lee, Noel, Ramsey, Rankin, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe, Wattles.—20.

Nays—Messrs. Bramble, Clark, Davis of Cass, Doom, Hall, Kline, Marquette, Wasson.—8.

Carried.

The bill was now read third time, passed and title agreed to.

Mr. Stewart, from Committee on Corporations, made the following report:

Your committee, to whom were referred Council Bills Nos. 54, 65, 66, also House Bills Nos. 25 and 52, having had the same under consideration, beg leave to report the same back and recommend their passage.

(Signed), STEWART,
DAVIS of Cass,
RAMSEY,
KLINE,
BRAMBLE.

On motion of Mr. Collier,

Business on Speaker's table was taken up.

C. B. No. 13, "A bill for an act to amend an act entitled an act for locating, opening, repairing and changing county roads, approved January 26, 1856."

Taken up, and

On motion of Mr. Gwyer,

The House concurred in the amendments to the same proposed by the Committee of Conference.

C. B. No. 47, "A bill for an act to amend an act entitled County Surveyors."

Read first time, and referred to Committee on Federal Relation.

C. B. No. 69, "An act to amend the charter of Bellevue."

Read first and second time, and referred to special committee, consisting of Messrs. Rankin, Wattles and Shields.

C. B. No. 71, "A bill for an act to amend an act incorporating the city of Brownville."

Read first and second time, and referred to special committee, consisting of Messrs. Clark, Noel and Daily.

C. B. No. 73, "An act to establish the county of Ponca."

Read first and second time, and referred to Committee on County Seats and County Boundaries.

C. B. No. 74, "An act to establish a territorial road from Covington, via Crawford, on the Elkhorn, to a point on Platte river, on the road from Omaha to Fort Laramie.

Read first and second time, and referred to Committee on Roads.

C. B. No. 77, "A bill for an act to amend an act entitled 'Elections,' approved January 26, 1856."

Read first and second time, and referred to Committee on Privileges and Elections.

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others, to keep a ferry across the Missouri river."

Read first and second time and referred to Committee on Corporations.

C. B. No. 19, "A bill for an act to change the style of the enacting clause of laws."

Read second time, and referred to Committee on Judiciary.

H. B. No. 36, "A bill for an act to incorporate Iona Town and Ferry Company."

Read second time, and referred to Committee on Corporations.

H. B. No. 37, "A bill for an act to authorize John H. S. Grous and Charles F. Putnam to run a ferry across the Missouri river at the Ponca Landing, Dakota county."

Read second time and referred to Committee on Corporations.

C. B. No. 40, "An act to authorize Richard Kimball and Richard Hogaboom to establish and keep a ferry across the Platte river at Laramie city,"

Amended by striking out in section four, the words, "by an action of debt," and inserting the words, "by civil action."

Read third time,

Passed and title agreed to.

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of Independent Order of Odd Fellows of Nebraska,"

Read third time, and referred to Committee on Judiciary.

C. B. No. 44, "A bill for an act to authorize Luther Hoadley and others to erect a mill dam.

Read third time,

Passed and title agreed to.

C. B. No. 28, "A bill for an act authorizing certain parties to erect a mill dam across the Great Nemaha river,"

Read third time,

Passed and title agreed to.

C. B. No. 55, "A bill for an act to authorize C. M. Greever, and others to keep a ferry across the Missouri river at Saint Deroin,"

Read third time and referred to special committee, of Messrs. Rankin, Fleming, Clark, Daily and Collier.

H. B. No. 19, "A bill for an act to authorize William A. Taylor, his heirs and assigns, to keep a ferry across the Missouri river at Saint Deroin.

Referred to same committee.

C. B. No. 56, "A bill for an act to authorize J. T. White, and others to establish a ferry at Aspinwall, Nemaha county."

Read third time, passed and title agreed to.

H. B. No. 49, "A bill for an act to authorize S. B. Stough and H. A. Fuller to erect a mill dam across Aowaye ceek, at Ponca Dakota county."

Read third time, passed and title agreed to.

C. B. No. 54, "An act to incorporate the Cedar Hill Cemetery Company of Omaha city."

Read third time, passed and title agreed to.

C. B. No. 1, "An act amendatory of an act entitled an act to incorporate the Nebraska University,"

Amended by striking out sections four, six and eight, and amending section nine, so that it will read as follows, namely: "Sections one two, three, five, six, seven, eight, eleven, twelve and thirteen, of an act to incorporate the Nebraska University, past at the first session of the Legislature of Nebraska—be and the same are hereby repealed."

The bill was now read third time, passed and title agreed to.

H. B. No. 25, "A bill for an act to establish a ferry across the Missouri, at Wyoming city, N. T.,"

Read third time, passed and title agreed to.

C. B. No. 66, "An act to incorporate the town of Wacapana, Cedar county, N. T.,"

Read the third time, passed and title agreed to.

C. B. No. 65, "An act to incorporate the town of North Bend, Dixon county, N. T.,"

Read third time, passed and title agreed to.

C. B. No. 70, "A bill for an act concerning the powers of district judges,"

Read first and second time, and referred to Committee on Judiciary.

C. B. No. 64, "A bill for an act to incorporate Columbus, in Platte county,"

Read first and second time, and referred to Committee on Corporations.

Mr. Gwyer moved a recess until 3 o'clock P. M.

Lost.

On motion of Mr. Rankin,

The House adjourned at 1 o'clock P. M.

MONDAY, October 18, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Fleming gave notice of a bill to incorporate the city of Beatrice.

Mr. Rankin, on leave, introduced

" H. B. No. 56, "A bill for an act to establish a ferry across the Missouri river, in Sarpy county," Which was read a first and second time, and referred to Committee on Corporations.

Mr. Taffe gave notice of a bill for the incorporation of the Concord Town and Ferry Company.

Mr. Bramble, on leave, introduced

H. B. No. 57, "A bill for an act to incorporate the Nebraska Lead Mining Company,"

Which was read a first and second time, and referred to Committee on Corporations."

Also,

H. B. No. 58, "A bill for an act to incorporate the Nashville Coal Mining Company,"

Which was read a first and second time, and referred to same committee.

Also,

H. B. No. 59, "Memorial and joint resolution, asking for increase of mail service from Dakota city to Niobrarah, on the Running Water river,"

Which was read first, second and third time, passed, and title agreed to.

Mr. De Puy gave notice of a bill to incorporate a ferry company at Columbus in Platte county.

Also,

Of a bill to locate a territorial road from Omaha in Douglas county, to Fontenelle in Dodge county.

Also,

Of a bill to incorporate the town of Fremont.

Mr. Clark, from special committee to which was referred

C. B. No. 71, "A bill for an act to amend an act incorporating the city of Brownville,"

Reported the same back without amendment, and recommended its passage.

The bill being now before the House,

On motion of Mr. Noel,

Was amended, by striking out the word "fifty," in the ninth line of section three, and inserting in place thereof "twenty-five."

The bill was now read a third time, passed and title agreed to.

Mr. Rankin, from Committee on Roads, reported Council Bills Nos. 62 and 74, and House Bills Nos. 51, 54, 53, 48 and 27, without amendment, and recommended their passage.

Mr. Fleming, from special committee, to which was referred

H. B. No. 20, "A bill for an act regulating ferries,"

Reported the same back, with sundry amendments, and recommended its passage.

On motion of Mr. Fleming,

The amendments reported were adopted.

The bill was then ordered engrossed for a third reading on tomorrow.

Mr. Stewart, from Committee on Corporations, reported Council Bills

Nos. 75, 64 and 67, also House Bill No. 37, without amendment, and recommended their passage.

Mr. Collier, from Committee on Judiciary, reported

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of Nebraska,"

With the following amendment: Add to section one—"created for the sole purpose of benevolence and odd fellowship, provided the real estate of the said corporation shall be limited to land or lots on which may be erected the hall, temple or other buildings used and occupied by the said Independent Order."

Also,

C. B. No. 19, "A bill for an act to change the style of the enacting clause of the laws,"

Without recommendation.

Also,

C. B. No. 70, "A bill for an act concerning the powers of district judges,"

And recommended its passage.

Mr. Roeder, from Committee on Common Schools, submitted the following report:

The committee to whom was referred

H. F. No. 9, "A bill to establish the Common School System in the Territory of Nebraska," ask leave to make the following report:

Having had the same under consideration, we hereby lay before the House a short review of its main features, consisting in the following:

The bill provides for a Territorial Superintendent, as the mainspring to set the school system into early and practical operation. The main defect in our present system is the impossibility of securing a qualified person to take charge of the responsible and multiplied duties for such a small remuneration, as provided, and the difficulty under that system to collect the necessary funds to give it vitality. In order to induce men to spend their time and talents in serving the public with all that enthusiasm such a cause deserves, we must conclude to pay a sufficient compensation, and this the bill proposes to do by giving to the Territorial Superintendent a salary of one thousand dollars, and allowing him traveling expenses, when absent from the Capitol on business pertaining to his office. The bill further provides for County Superintendents, whose duties are to divide the counties into proper districts, apportion the schools amongst the different districts, appoint and examine teachers, and do all other necessary business provided for and connected with his office. The different districts in the county are to be superintended by directors elected by the voters of each district, who have to determine the number of schools in the district, the manner in which school-houses have to be built and located, to take charge of books, apparatus, &c., and to perform and discharge faithfully all other business, belong to their office. The school fund is proposed to consist of three distinct funds, the teachers' fund, the library fund, and the school-house fund. The teachers' fund is to be raised by an assessment of two mills on the dollar valuation upon all taxable property of the Territory, to be assessed and collected in the same manner and at the same time as the territorial taxes; it further provides for all fines for the breach of the penal laws, and all forfeitures, which may accrue on all land and other estates for want of heirs; it provides the income derived from school sections sixteen and thirty-six, or the land in lieu thereof. The library fund may be raised by a tax of one-tenth of a mill, and the school-house fund by a tax of not less than three and not more than five mills on the dollar valuation.

The question, whether we shall have an effective system of common schools in our Territory, will present itself to every member of this body as one of the greatest importance. Our present law, experience has shown, can not be made vital for want of two life-giving principles, and these are, first, the means to pay teachers and build school-houses, and second, an all regulating and superintending power to bring the system into operation. Both these defects are effectually met by this bill, and your committee therefore earnestly recommend its adoption.

The establishment of free schools in a free country is a sacred duty on the part of a commonwealth, for the intelligence of the people is admitted by all great minds to be the surest and most enduring foundation of a republican government. The better you pay your teachers, the more favorable will be the prospect to secure such as are competent, and the more beneficial will be the result thereof. Good schools exert upon the eastern emigrant another of the numerous attractions our fair country already holds out for him, and in many instances giving a decision in favor of our Territory, whenever the head of a large family, weighing and considering the advantages of schools and education in his eastern home, stands in doubt, whether he shall give up his old and comfortable homestead and migrate to a new and distant country, where his children may likely loose all prospect to receive even a common school education only.

Your committee, being of opinion that the bill under consideration is particularly well adapted to our future bright prospects of a largely increased population, having the necessary vitality to carry its provisions into practical operation, and also desiring that every member of this House may have an opportunity to make himself well acquainted with the provisions of this act, recommend this bill to be printed before it is put upon its passage.

All of which is respectfully submitted,

AUGUSTUS ROEDER,
HENRY W. DE PUY.

On motion of Mr. Lee,

It was ordered that one hundred printed copies of the report and the bill accompanying the same be procured for the use of the House.

Mr. Fleming, from Committee on Federal Relations, to which was referred

H. B. No. 38, "Joint resolution in relation to the extension of the time for pre-empting lands on certain conditions," Reported the same back without amendment, and recommended its passage.

The bill was then ordered engrossed for a third reading on to-morrow.

Mr. Seymour, from Committee on Agriculture, to which was referred H. B. No. 40, "An act for the encouragement and protection of live fences,"

Reported the same back with sundry amendments, and recommended its passage.

On motion,

The amendments reported were adopted.

Mr. Gwyer moved to amend the bill, by inserting in section one "two feet," instead of "six feet."

Lost.

The bill was then ordered engrossed for a third reading on to-morrow.

Mr. Rankin gave notice of a memorial, praying Congress for an appropriation for the completion of the Capitol.

Mr. Gwyer gave notice of a bill, to authorize certain parties to construct a rail road from the head waters of the Missouri river, at or near Fort Benton, to the west line of Nebraska Territory.

On motion of Mr. Fleming,

Business on the Speaker's table was taken up.

C. B. No. 67, "A bill for an act to incorporate the Nemaha Valley Insurance Company,"

Was referred to a special committee consisting of Messrs. Daily, Clark and Stewart.

Mr. Gwyer moved to instruct the committee to report an amendment to the bill, restricting the charter to twenty-five years.

Carried.

Mr. Clayes moved to take up the homestead bill.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 18, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed,

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Also,

C. B. No. 72, "An act to incorporate the city of Dakota,"

Also,

C. B. No. 78, "An act to incorporate the town of Saint Helena,"

Also,

C. B. No. 83, "A bill for an act changing the title of probate judge and to define his duties,"

Also,

C. B. No. 85, "A bill for an act requiring the title of all bills to express truly the intent of the same,"

Also,

C. B. No. 87, "An act to amend the city charter of Plattsmouth."

And the concurrence of the House is respectfully requested.

I have also to inform you that the Council has concurred in the amendment to the House to C. B. No. 57, "Joint resolution relative to the printing of the Criminal Code."

S. M. CURRAN, Chief Clerk.

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of Nebrasba,"

Was now taken up, and

The amendment reported by the Committee on Judiciary, adopted after being read a first, second and third time.

Mr. Kline moved to amend by adding the following:

"Provided, That nothing in this act shall be so construed to grant the powers of banking."

Mr. Collier moved to lay the motion to amend on the table.

Carried.

The bill was then passed and title agreed to.

C. B. No. 70, "A bill for an act concerning the powers of district judges,"

Was read third time,

Passed and title agreed to.

C. B. No. 19, "A bill for an act to change the style of the enacting clause of the laws,"

Was read a third time, and

On motion of Mr. Rankin,

Laid on the table.

C. B. No. 59, "A bill for an act to change the time for convening the Legislative Assembly,"

On motion of Mr. Briggs,

Was indefinitely postponed.

C. B. No. 62, "An act to incorporate the Beatrice Town and Ferry Company."

Was taken up, and,

On motion of Mr. Collier,

Amended by adding to section one the following:

"Provided, that nothing herein contained shall be so construed as to confer upon the said corporation the right to issue notes or paper for general circulation, nor any powers or privileges of a banking coporation."

The bill was now read third time, passed and title agreed to.

C. B. No. 74, "An act to establish a territorial road from Covington, via Crawford, on the Elkhorn, to a point on the Platte river, on the road from Omaha to Fort Laramie."

Was read a third time, passed and title agreed to.

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others, to keep a ferry across the Missouri river," Was referred to a select committee of three, consisting of Messrs. Taffe, Bramble, and Collier.

C. B. No. 64, "A bill for an act to incorporate Columbus in Platte county,"

Was referred to a select committee of three consisting of Messrs. Steinberger, De Puy and Stewart.

Mr. Rankin, from Committee on Roads, to which was referred

C. B. No. 33, "A bill for an act to locate and establish a territorial road from Nebraska city to Salem,"

Reported the same back without amendment, and recommended its passage.

On motion,

The bill was referred to a select committee of three, consisting of Messrs. Daily, Dean and Lee.

H. B. No. 27, "A bill to locate a territorial road from Rulo to Blue Springs,"

Was read a third time, passed and title agreed to.

H. B. No. 37, "A bill for an act to authorize John H. S. Grove and Charles F. Putnam to run a ferry across the Missouri river, at Ponca landing, Dakota county,"

Was read a third time, passed and title agreed to.

H. B. No. 48, "A bill for an act to locate a territorial road from Ponca, Dakota county, to Pacific city, on the Running Water river,"

Was read a third time, passed and title agreed to.

H. B. No. 51, "A bill for a territorial road from Nebraska city to Pawnee city,"

Read a third time, passed and title agreed to.

H. B. No. 53, "A bill for an act to locate a territorial road from Nebraska city to Platte river,"

Was ordered engrossed for a third reading on to-morrow.

Also,

H. B. No. 54, "A bill to locate a territorial road from Wyoming to Salt creek,"

Also,

H. B. No. 46, "A bill to incorporate Rock Bluffs city,"

Also,

H. B. No. 31, "An act concerning limited partnerships.

C. B. No. 87, "An act to amend the city charter of Plattsmouth,"

Was read a first and second time, and referred to Committee on Corporations.

C. B. No. 72, "An act to incorporate the city of Dakota,"

Was read a first and second time, and referred to Committee on Corporations.

C. B. No. 78, "An act to incorporate the town of St. Helena,"

Was read a first and second time, and referred to same committee.

C. B. No. 83, "A bill for an act to change the title of probate judge, and to define his duties,"

Was read a first and second time, and referred to Committee on Judiciary.

C. B. No. 85, "A bill for an act requiring the titles of all bills to express truly the intent of the same,"

Was read a first and second time, and referred to same committee.

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Was read a first and second time.

Mr. Rankin moved to refer this bill, together with the various homestead bills which have been before the House, and the whole subject matter connected therewith, to a select committee of five, with instructions to report on Wednesday morning next, a homestead bill limiting the amount of property to be exempt, in kind, without reference to value.

Mr. Clayes moved to lay the motion on the table.

Lost.

The following message from the Council was received:

Council Chamber,
Oct. 18, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 88, "A bill for an act to amend an act entitled an act to incorporate Nebraska city,"

And respectfully ask the concurrence of the House therein.

S. M. CURRAN,
Chief Clerk.

Mr. Daily now moved to amend the motion before the House by instructing the committee to report a homestead bill, limiting in value.

Mr. Rankin moved that the motion to commit, and the consideration of the bills referred to in that motion, be deferred until Wednesday next, and made the special order for that day.

Mr. Clark moved to lay that motion on the table.

Lost.

The ayes and nays were now called on the motion to defer:

Ayes.—Messrs. Davis of Washington, Kline, Lee, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wasson.—11.

Nays.—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Marquette, Noel, Ramsey, Taffe, Wattles.—19.

Lost.

The question was now had on the motion to amend, as offered by Mr. Daily.

Carried.

Mr. Rankin moved that the motion as amended lie on the table.

Lost.

On motion,

The House adjourned at 1 o'clock P. M.

TUESDAY, October 19, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Fleming, on leave, introduced,

H. B. No. 60, " An act to incorporate the town of Beatrice."

Read first and second time time, and referred to Committee on Corporations.

Mr. Ramsey gave notice of a bill for the incorporation of the city of Rulo, Richardson county.

Mr. Shields, on leave, introduced

H. B. No. 61, An act to establish a territorial road from Bellevue to Forrest city in Sarpy county,"

Read first and second time, and referred to Committee on Roads.

Mr. Rankin, on leave, introduced

H. B. No. 62, "An act to establish a territorial road from Bellevue via Hazelton in Sarpy county, to Elkhorn city, in Douglas county,"

Read first and second time and referred to Committee on Roads.

Mr. Rankin gave notice of a bill to organize Hall county, Nebraska.

Mr. Seymour gave notice of a bill to organize the county of New Eldorado on the Head Waters of the Platte river, which county, shall be entitled to one representation in the next Territorial Legislature,

Also,

A bill to incorporate the Omaha and Salt Lake Telegraph Company,

Also,

A bill to incorporate the Omaha Gas Light Company.

Mr. Gwyer, on leave, introduced

H. B. No. 63, "An act to incorporate the Missouri and Columbia River Rail Road Company,"

Read first and second time, and referred to Committee on Internal Improvements.

Mr. Steele, on leave, introduced

H. B. No. 64, " A bill for an act authorizing Joel H. Johnson to keep a ferry across the Loup Fork at Genoa in Monroe county,"

Read first and second time and referred to Committee on Corporations.

Mr. Bramble, on leave, introduced

H. B. No. 65, " Joint memorials and resolutions relative to the Yancton Sioux Indians, and the treaty negotiated with them,

Read first, second and third time, passed, and title agreed to.

Mr. De Puy, on leave, introduced

H. B. No. 66, "A bill for an act to incorporate the town of Fremont, Dodge county, N. T.,"

Read first and second time, and referred to Committee on Corporations.

Mr. Davis of Washington, from Committee on County Seats and County Boundaries, to which was referred House Bills Nos. 33 and 47, reported the same back without amendments, and recommended their passage.

Ordered engrossed for a third reading on to-morrow.

Mr. Steinberger, from select committee to whom was referred

C. B. No. 64, "A bill for an act to incorporate Columbus in Platte county,"

Reported the same back without amendment and recommended its passage.

The bill was now read the third time, passed and title agreed to.

Mr. Davis, from Committee on County Seats and Boundaries, to which was referred

H. B. No. 5, "An act entitled an act to re-locate county seats,"

Reported the same back without recommendation.

On motion of Mr. Davis of Cass,

The bill was referred to a select committee of five.

Committee—Messrs. Davis of Cass, Shields, Daily, Ramsey and Taffe.

Mr. Stewart, from Committee on Corporations, submitted the following report:

Your committee, to whom was referred Council Bills Nos. 72, 78, 87 and House Bills Nos. 57 and 58, having had the same under consideration, beg leave to report the same back with certain amendments, and recommend their passage; also, H. B. No. 56, and recommend that the same be recommitted to a select committee of three, composed of the members from Sarpy county.

JAMES STEWART, Chairman.

H. B. No. 56, "An act to establish a ferry across the Missouri river to Sarpy county,"

Referred to special committee, consisting of Messrs. Wattles, Norwood, Shields and Rankin.

C. B. No. 87, "An act to amend the city charter of Plattsmouth,"

Read third time,, passed and title agreed to.

C. B. No. 78, "An act to incorporate the town of St. Helena."

Read third time, passed and title agreed to.

H. B. No. 57, "A bill for an act to incorporate the Nebraska Lead Mining Company,"

Taken up and amended as follows: In section two insert the words, "to carry out the provisions of this act," after the word "necessary," and by adding to the same section, "provided that nothing herein contained shall be so construed as to give to said corporation the powers and privileges of banking."

Ordered engrossed for a third reading on to-morrow.

H. B. No. 58, "A bill for an act to incorporate the Nashville Coal Mining Company,"

Amended by adding to section three, "provided that nothing herein contained shall be so construed as to give said corporation the powers and privileges of banking."

Ordered engrossed for a third reading on to-morrow.

Mr. Rankin, from select committee, to which was referred

H. B. No. 56, "An act to establish a ferry across the Missouri river, in Sarpy county,"

Reported the same back without amendments, and recommended its passage.

Ordered engrossed for a third reading on to-morrow.

Mr. Fleming, from Committee on Federal Relations, submitted the following report:

Mr. Speaker:

The Committee on Federal Relations, to whom was referred

C. F. No. 47, "A bill for an act to amend an act entitled 'County Surveyors,'"

Have had the same under consideration, and directed me to report the same back to this House, and respectfully recommend that it do not pass.

WM. C. FLEMING.

On motion of Mr. Briggs,

The bill referred to in report was indefinitely postponed.

Mr. Hall, from select committee, to which was referred

H. B. No. 29, "A bill to provide for the erection of a court house and jail in the county of Otoe,"

Submitted the following report:

Your committee, to whom was referred H. B. No. 29, having had same under consideration, after having prepared a substitute intending to recommend its passage, find on examination of section fourteen, page seventy-one, of the acts of 1855 and 1856, that the bill which we have prepared is in substance the same as there provided. Your committee are therefore of opinion that no legislation on the subject matter of H. B. No. 29 is needed, and would recommend that the whole subject matter be indefinitely postponed.

WM. B. HALL, Chairman.

On motion,

The report was adopted and the bill indefinitely postponed.

Mr. Cassell gave notice of a bill for an act to incorporate the Nebraska City Hydraulic and Gas Company.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported House Bills Nos. 40, 54, 53, 38, 52 and 4, as correctly engrossed.

On motion of Mr. Clayes,

H. B. No. 23, "A bill for an act to exempt the homestead of families and other property from forced sale,"

Was made the special order of the day for to-morrow at 10 o'clock A. M.

On motion of Mr. Davis of Cass,

Business on Speaker's table be taken up.

C. B. No. 88, "A bill for an act to amend an act entitled an act to incorporate Nebraska city,"

Read first time, and referred to Committee on Corporations.

H. B. No. 38, " A joint resolution in relation to the extension of the time of pre-empting land on certain conditions,"

Read third time, passed and title agreed to.

H. B. No. 40, " An act for the encouragement and protection of live fences,"

Referred to a select committee of three, consisting of Messrs. Steinberger, Davis of Washington, and Wattles.

H. B. No. 52, " A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county, N. T.

Referred to a special committee of three, consisting of Messrs. Clarke, Daily and Noel.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported,

H. B. No. 46, as correctly engrossed.

H. B. No. 44, " A bill to authorize George W. Hunt to keep a mill dam across the south branch of Weeping Water in Cass county."

Referred to a select committee of three, consisting of Messrs. Davis of Cass, Noel and Lee.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 19, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 23, " A bill for an act providing for the better regulation of schools in Nebraska,"

And the concurrence of the House is requested.

I also inform you that the Council has concurred in the amendments of the House to

C. B. No. 40, " An act to authorize Richard Kimball and Richard Hogaboom to establish and keep a ferry across the Platte river at Laramer city."

S. M. CURRAN, Chief Clerk.

H. B. No. 53, "A bill for an act to locate a territorial road from Nebraska city to Platte river,"

Read third time, passed and title agreed to.

H. B. No. 54, "A bill for an act to locate a territorial road from Wyoming to Salt creek,"

Read third time, passed and title agreed to.

C. B. No. 72, "An act to incorporate the city of Dakota,"

Read third time, passed and title agreed to.

H. B. No. 46, "An act to consolidate the town of Rock Bluffs, and North Rock Bluffs, and to incorporate Rock Bluffs city,"

Read third time, passed and title agreed to.

C. B. No. 23, "A bill for an act providing for the better regulation of schools in Nebraska," Read first and second time, and referred to Committee on Common Schools.

Mr. Rankin, on leave, introduced

H. B. No. 67, "An act for organizing the county of Hall, to define the boundaries and to locate the county seat thereof,"

Read first and second time, and referred to a special committee of three, consisting of Messrs. Rankin, Daily and Marquette.

Mr. Rankin moved to adjourn.

Lost.

Mr. Stewart moved that the House go into Committee of the Whole on the Revenue Bill.

Carried, and

The House went into Committee of the Whole, Mr. Stewart in the Chair.

The House having resumed business,

Mr. Stewart, from Committee of the Whole, reported back the Revenue Bill, and recommended that it be made the special order of the day for Thursday next, at 10 o'clock A. M.

On motion of Mr. Clayes,

The report was adopted by the House.

Mr. Collier, from Committee on Judiciary, to which was referred

H. B. No. 42, "An act for the regulation of county jails,"

Reported the same back without recommendation.

The bill was now taken up and considered, section by section, and amended as follows:

In section nine, the word "prisoners" was substituted for the word "prisons."

Also, the blanks in section seven were filled by inserting in the first the word "first," and in the second the words, "its session."

Also, a new section was added to the bill, which reads as follows:

Sec. 15. This act to take effect and be in force from and after its passage.

The bill was then read third time, passed and title agreed to.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported H. B. No. 20 as correctly engrossed.

Mr. Clark introduced

H. B. No. 68, "Joint resolution relative to adjournment."

H. B. No. 20, "A bill for an act regulating fines,"

Read third time, passed and title agreed.

Mr. Fleming moved that

H. B. No. 68, "Joint resolution relative to adjournment,"

Be now taken up and considered.

Mr. Collier moved to lay the motion on the table.

Ayes and nays called:

Ayes—Messrs. Bramble, Collier, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Gwyer, Kline, Marquette, Noel, Rankin, Roeder, Shields, Steele, Stewart, Taffe, Wattles.—18.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Fleming, Hall, Lee, Ramsey.—8.

Carried.

On motion,

Adjourned at 12 o'clock M.

WEDNESDAY, October 20, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Ramsey, on leave, introduced

H. B. No. 69, "A bill for an act to incorporate the city of Rulo,"

Which was read a first and second time, and referred to Committee on Corporations."

Mr. Fleming gave notice of a bill to incorporate the Missouri River and Nemaha Valley Rail Road Company."

Mr. Cassell, on leave, introduced

H. B. No. 70, "A bill for an act to incorporate the Nebraska City Hydraulic and Gas Company,"

Which was read a first and second time, and referred to Committee on Corporations.

Mr. Davis of Cass, on leave, introduced

H. B. No. 71, "A bill for an act to amend an act relating to the observance of the sabbath and the protection of religious worship,"

Which was read a first and second time, and referred to Committee on Corporations.

Mr. Shields gave notice of a memorial and joint resolution in relation to the establishment of a mail route.

Mr. Stewart gave notice of a bill regulating the disposal of unclaimed property in certain cases.

Mr. Steele, on leave, introduced

H. B. No. 72, "A bill for an act to establish a territorial road from Florence to the bridge on the Little Pappillion,"

Which was read a first and second time, and referred to Committee on Roads.

Mr. Briggs, on leave, introduced

H. B. No. 73, "An act for the limitation of actions,"

Which was read a first and second time, and referred to Committee on Judiciary.

Mr. Davis of Washington, presented the petition of Roger T. Bealle and other citizens of Washington county, in reference to the county seat of that county.

The same gentleman, on leave, introduced

H. B. No. 74, "An act to relocate the seat of justice of Washington county,"

Which was read a first and second time, and referred to a select committee of three, consisting of Messrs. Davis of Washington, Kline and Daily.

Mr. Taffe, on leave, introduced

H. B. No. 75, "An act to incorporate the Concord Town and Ferry Company,"

Which was read a first and second time, and referred to Committee on Corporations.

Mr. Rankin, from Committee on Roads, to which was referred House Bills Nos. 61 and 62, bills for territorial roads, reported the same back without amendment, and recommended their passage.

Mr. Rankin, from special committee to which was referred

H. B. No. 67, "An act to organize the county of Hall, to define the boundaries and locate the county seat thereof,"

Reported the same back without amendment, and recommended its passage.

Mr. Rankin also reported

C. B. No. 55, "A bill for an act to authorize C. M. Greever and others to keep a ferry across the Missouri River at St. Deroin, in Nemaha county,"

Without amendment and recommended its passage.

Which bill was then taken up, passed and title agreed to.

The same gentleman also reported,

H. B. No. 19, "A bill to authorize Wm. A. Taylor, his heirs and assigns to keep a ferry across the Missouri river at Saint Deroin,"

And recommended its indefinite postponement.

On motion,

The bill was indefinitely postponed.

Mr. Stewart from Committee on Corporations submitted the following report:

Your committee to whom was referred,

C. B. No. 88, "An act to amend an act entitled an act to incorporate Nebraska city,"

Also,

H. B. No. 66, "An act to incorporate the town of Fremont, Dodge county, N. T,"

Also,

H. B. No. 60. "An act to incorporate the City of Beatrice,"

Having had the same under consideration, beg leave to report the same back and recommend their passage,

Also,

H. B. No. 64, "An act to authorize Joel H. Johnson to keep a ferry across the Loup Fork at Genoa in Monroe county,"

And recommend that the same be recommitted to a select committee of one consisting of R. W. Steele, with instructions to report a substitute."

(Signed), STEWART,
DAVIS,
BRAMBLE.
KLINE,
RAMSEY,

On motion,

H. B. No. 64, " A bill for an act to authorize Joel H. Johnson to keep a ferry across the Loup Fork at Genoa in Monroe county,"

Was referred to select committee of one, viz: Mr. Steele.

Mr. Steinberger from select committee to which was referred,

H. B. No. 40, "An act for the encouragement and protection of live fences,"

Reported the same back amended by inserting the enacting clause.

Mr. Clark from select committee to which was referred,

H. B. No. 52, " A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county,"

Reported the same back with the following amendments, viz:

In section one, strike out "employed", and insert "empowered,"

In section five, strike out " an action of debt," and insert " civil action."

On motion,

The amendments were adopted, when the bill was passed and title agreed to.

Mr. Daily, from special committee, to which was referred

C. B. No. 33, "A bill for an act to locate and establish a territorial road from Nebraska city to Salem," reported the same back with the following amendment:

"In section four, strike out the word "two" and insert in place thereof, "three,"

On motion,

The amendment was adopted.

The bill was then passed and title agreed to.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported House Bills, Nos. 31, 33, 47, 56, 57 and 58 as correctly engrossed.

Mr. Davis of Cass, from select committee to which was referred for corrections,

H. B. No. 44, "A bill to authorize George W. Hunt to keep a mill dam across the south branch of Weeping Water, in Cass county,"

Reported the same back with the necessary corrections,

When, the bill was passed and title agreed to.

Mr. Taffe, from Committee to which was referred

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others to keep a ferry across the Missouri river, reported the same back with the following amendment, viz:

In section one, after the word "extending," strike out "for two miles," and insert the following: "half way to the northwest corner of the town of Concord, in said county."

The same gentleman also reported

C. B. No. 14, " An act to legalize the acts of Wm. Pilgrim, late Register of Deeds in and for Dakota county,"

With the following amendment:

After the words " Dakota city," in section one, strike out " the county seat of," and insert the word " in."

Mr. Davis of Cass, from select committee to which was referred

H. B. No. 5, "An act entitled an act to relocate county seats,"

Reported the same back, and recommended that sections three, four, five, six, seven, eight, nine and ten be stricken out.

Mr. Briggs, from Committee on Privileges and Elections, to which was referred

C. B. No. 77, "A bill for an act to amend an act entitled 'Elections,' approved January 26, 1856,"

Reported the same back without recommendation.

Mr. Steele gave notice of a memorial and joint resolution, asking for an appropriation to bridge the Platte river where the Military road touches said river, near Larimer city; and also, to bridge the Loup Fork near Columbus.

Mr. Fleming moved to take up business on the Speaker's table and orders of the day.

Carried.

Mr. Gwyer moved to take up the substitute reported by minority of of committee, for

H. B. No. 23, "A bill for an act to exempt a homestead and certain other property from forced sale."

Mr. Rankin moved a call of the House.

Absent—Messrs. Davis of Washington and De Puy.

On motion,

All further proceedings under call were dispensed with.

Mr. Steinberger moved to adjourn.

Ayes and nays called:

Ayes—Mr. Steinberger.—1.

Nays—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Davis of Cass, Daily, Dean, Doom, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Noel, Ramsey, Rankin, Roeder, Shields, Steele, Stewart, Taffe, Wasson, Wattles,—25.

Lost.

Call of the House ordered.

Absent—Messrs. Davis of Washington, De Puy and Mason.

The Sergeant-at-Arms was dispatched after the absentees.

The absentees having come within the bar of the House,

On motion,

All further proceedings under call of the House were dispensed with.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 20, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following named bills:

C. B. No. 90, "A bill for an act to confirm the title of Francis Barker to certain real estate in Omaha city."

Also,

C. B. No. 36, "A bill for an act to remunerate code commissioners for services rendered."

Also,

C. B. No. 89, "An act to grant a ferry charter at the town of Hoobrah, across the Missouri river."

And the concurrence of the House is requested.

I have also to inform you that the Council has concurred in the amendments of the House to

C. B. No. 1, "An act amendatory of an act to incorporate the Nebraska University,"

Also,

In the amendments of the House to

C. B. No. 7, "A bill for an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of Nebraska,"

Also,

In the amendments of the House to

C. B. No. 71, "An act to amend an act incorporating the City of Brownville,"

I have also to inform you that the Council has concurred in the amendments proposed by the Committee of Conference are,

C. B. No. 13, "A bill for an act to amend an act entitled an act for locating, opening, repairing and changing county roads,"

With the exception of the first clause of the fifteenth section, and

I return you the bill with the amendment thereto attached, and the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Stewart moved as an amendment to the motion now before the House,

That the whole subject matter connected with the "Homestead Bill," be now considered in Committee of the Whole."

Mr. Gwyer moved to lay the motion on the table.

Carried.

Mr. Rankin moved to lay the whole matter on the table excepting,

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

On which the ayes and nays were had:

Ayes—Messrs. Davis of Washington, Dean, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wasson Wattles.—15.

Nays—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Daily, Doom, De Puy, Fleming, Gwyer, Hall, Marquette, Ramsey, Roeder.—16.

Lost.

The ayes and nays were now called on the motion to take up the substitute for the Homestead Bill, reported by the minority of the committee.

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Doom, Fleming, Gwyer, Hall, Marquette, Mason, Noel, Ramsey, Roeder.—18.

Nays—Messrs. Dean, Kline, Lee, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wasson, Wattles.—12.

Carried.

The bill was now taken up for consideration.

Mr. Gwyer moved to fill the blank in section one by inserting "$2,000."

Mr. Daily moved to fill same blank by inserting "$1,000."

Mr. Doom moved to insert "$1,500."

Mr. Steele moved to insert "$5,000."

Mr. Seymour moved to insert "$3,000."

Mr. Marquette moved to insert "$1,200."

Mr. Mason moved to insert "$150."

Mr. Kline moved to insert "$4,727.75."

Mr. Lee moved to insert "$10,000."

Mr. Dean moved to insert "$4,500."

Mr. Noel moved to insert "$2,500."

Mr. Clark moved to insert "$800."

Mr. Stewart moved to insert "$1.00."

Mr. Rankin moved to amend section one by inserting after the words "family homestead," as follows: "not exceeding one hundred and sixty acres of land with the improvements thereon;" also to strike out the proviso attached to the same section.

Mr. Collier moved that the House take a recess until 2 o'clock P. M.

2 o'clock P. M.

The Speaker having called the House to order,

Mr. Mason, on leave, introduced

H. B. No. 76, "An act securing the benefits of the writ of habeas corpus."

Also,

H. B. No. 78, "An act for the prevention of frauds and forgeries,"

Which were read a first and second time, and referred to Committee on Judiciary.

Mr. Clayes moved to adjourn.

Ayes and nays called:

Ayes—Messrs. Clark, Clayes, Collier, Davis of Washington, Daily, Dean, Gwyer, Kline, Mason, Noel, Steele, Taffe, Wattles.—13.

Nays—Messrs. Bramble, Cassell, Davis of Cass, Doom, De Puy, Fleming, Lee, Marquette, Ramsey, Roeder, Shields, Wasson.—12.

Carried, and

The House adjourned at two o'clock and ten minutes.

THURSDAY, October 21, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Dean, on leave, introduced

H. B. No. 78, "A bill for an act to incorporate the town of Pawnee city,"

Read first and second time, and referred to Committee on Corporations.

Mr. Mason presented a petition from Patrick Daily and others, in reference to the cities of Nebraska, South Nebraska and Kearney.

Mr. Hall gave notice of a memorial, for a special act, for the relief of John B. Bennet, in the matter of certain mail pre-emptions.

Mr. Stewart, on leave, introduced

H. B. No. 79, "An act regulating the disposal of unclaimed property in certain cases,"

Read first and second time, and referred to Committee on Judiciary.

Mr. Kline, on leave, introduced

" H. B. No. 80, " A bill to establish a territorial road from Cuming city landing, Washington county, to Fontenelle, in Dodge county."

Read first and second time, and referred to special committee of three, consisting of Messrs. Kline, De Puy and Shields.

Mr. De Puy gave notice of a bill to incorporate the city of Genoa in Monroe county.

Also,

A bill to establish the county of Merick, define its boundaries and locate the county seat thereof.

Mr. Kline gave notice of a bill to dissolve the bonds of matrimony between John Burton and Mary Burton.

Mr. Stewart, from Committee on Corporations, made the following report:

Your committee, to whom was referred H. B. No. 71, also, H. B. No. 78, also H. B. No. 69, also H. B. No. 70, having had the same under consideration, beg leave to report the same back and recommend their passage.

JAMES STEWART,
DAVIS,
BRAMBLE,
KLINE,
RAMSEY.

Mr. Davis of Washington, from special committee, submitted the following majority report:

Your committee, to whom was referred the petition of citizens of Washington county, praying the removal of the county seat, and also H. B. No. 74, "An act to relocate the seat of justice of Washington county," having had the same under consideration and being satisfied that a majority of the citizens of said county demand that said change in "county seat" should be made. Your committee therefore beg leave to report the same back to the House without amendment, and recommend the passage of the bill.

CHARLES D. DAVIS,
S. G. DAILY,
Committee.

Mr. Kline, from same committee, submitted the following minority report:

The undersigned, one of the special committee, to whom was referred H. B. No. 74, entitled "An act to relocate the county seat of Washington county," have had the same under consideration, and recommend that the whole subject matter be laid on the table until Monday next. Your committee is of opinion that a majority of the voters of Washington do not desire any special law passed for the purpose of relocating the seat of justice of said county at any certain place; but would prefer to regulate their own affairs in their own way. The petitions referred to your committee do not recommend any particular point, and if they did, they are only an expression of a portion of the citizens of said county. There are remonstrances now in circulation in said county praying the Legislature not to pass any law in relation to Washington county on this subject, as there is now a general law in force with which they are well satisfied, and if the people in the north part of the county do not complain, the people in the Desoto neighborhood should not.

Your committee is of opinion, it would be for the best interests of said county to leave this vexed question rest, until the county becomes more densely settled, and her resources more fully developed, and then, the people under a general law, can locate the seat of justice at any place they may desire—the location and re-location of the county seat of said county has been agitated during every session of the Legislature since the organization of this Territory, and if the Legislature should re-locate said seat of justice, it would not settle the controversy, but it will be left open, and every subsequent Legislature will have the matter before them, until finally the people will be called on to settle it in their own way.

L. M. KLINE.

Mr. Mason, from Committee on Judiciary, reported

H. B. No. 77, "An act for the prevention of frauds and forgeries,"

Without amendment, and recommended its passage.

Mr. Daily, from committee to which was referred

C. B. No. 67, "A bill for an act to incorporate the Nemaha Valley Insurance Company,"

Reported the same back, and recommended the following amendment:

After the name of R. W. Furnas, insert the name of Robert W. Frame and John Grant.

Mr. Mason, from Committee on Judiciary, to which was referred H. B. No. 76, "An act securing the benefits of the writ of habeas corpus,"

Reported the same back without amendment, and recommended its passage.

Mr. Mason moved to instruct Committee on Common Schools to report back school bill referred to them, on Monday next.

Carried.

Mr. Collier moved to take up business on Speaker's table and orders of the day.

Carried,

Mr. Gwyer moved to take up the special order of the day.

Mr. Rankin moved to take up unfinished business.

Mr. Gwyer moved to lay the motion on the table.

Lost.

Question on the motion to take up unfinished business.

Carried.

Question now had on filling blank in section one, of substitute for homestead bill.

Question first had on inserting $5,000.

Ayes and nays called:

Ayes—Messrs. Bramble, Dean, Kline, Lee, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—11.

Nays—Messrs. Briggs, Cassell, Clayes, Collier, Cooper, Davis of Cass, Daily, Doom, De Puy, Fleming, Gwyer, Hall, Marquette, Mason, Noel, Ramsey, Roeder, Taffe.—18.

Lost.

Question on inserting 4500.

Ayes and nays called:

Ayes—Messrs. Bramble, Cooper, Dean, Kline, Lee, Rankin, Seymour, Shields, Steele, Steinberger, Stewart.—11.

Nays—Messrs. Briggs, Cassell, Clayes, Collier, Davis of Cass, Daily, Doom, De Puy, Fleming, Gwyer, Hall, Marquette, Mason, Noel, Ramsey, Roeder, Taffe, Wattles.—18.

Lost.

Question on inserting 3000.

Ayes and nays called:

Ayes—Messrs. Kline, Seymour, Shields, Steele, Steinberger, Stewart.—6.

Nays—Messrs. Bramble, Briggs, Cassell, Clayes, Collier, Cooper, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Taffe, Wattles.—23.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 21, 1858.

Mr. Speaker:

I am instructed to inform you that the Council has passed the following bills, viz:

C. B. No. 38, "An act providing for the re-location of the county seat of Johnston county," and

C. B. No. 93, "A bill for an act to amend an act establishing a ferry at Nemaha city,"

And the concurrence of the House is respectfully requested.

I also return you

H. B. No. 14, "A bill for an act to establish permanently the county seat of Richardson county, by a vote of the people;" and

H. B. No. 59, "Memorial and joint resolution asking for increase of mail service from Dakota city to Niobrarah, on the Running Water river;" and

H. B. No. 65, "Joint memorial and resolution relative to the Yancton Sioux Indians, and the treaty negotiated with them,"

The same having passed the Council without amendments.

S. M. CURRAN, Chief Clerk.

Question on inserting 2500.

Ayes and nays called:

Ayes—Messrs. Noel, Steele, Stewart.—3.

Nays—Messrs. Bramble, Briggs, Cassell, Clayes, Collier, Cooper, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Seymour, Shields, Steinberger, Taffe, Wattles.—26.

Lost.

Question on inserting 2000.

Ayes and nays called:

Ayes—Messrs. Gwyer, Noel, Steele.—3.

Nays—Messrs. Bramble, Briggs, Cassell, Clayes, Collier, Cooper, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Hall, Kline, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Seymour, Shields, Steinberger, Stewart, Taffe, Wattles.—26.

Lost.

Question on inserting 1500.

Ayes and nays called:

Ayes—Messrs. Briggs, Cassell, Clayes, Doom, De Puy, Gwyer, Roeder.—7.

Nays—Messrs. Bramble, Collier, Cooper, Davis of Cass, Daily, Dean, Fleming, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—22.

Lost.

Question on inserting 1200.
Ayes and nays called:

Ayes—Messrs. Briggs, Cassell, Clayes, Doom, De Puy, Gwyer, Marquette, Roeder.—8.
Nays—Messrs. Bramble, Clark, Collier, Cooper, Davis of Cass, Daily, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Ramsay, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—22.

Lost.
Question on inserting 1000.
Ayes and nays called:

Ayes—Messrs. Briggs, Clark, Clayes, Collier, Davis of Cass, Daily, Doom, De Puy, Fleming, Gwyer, Marquette, Ramsey, Roeder.—13.
Nays—Messrs. Bramble, Cassell, Cooper, Dean, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—17.

Lost.
Question on inserting 800.
Ayes and nays called:

Ayes—Messrs. Briggs, Clark, Clayes, Collier, Davis of Cass, Daily, Fleming, Gwyer, Marquette, Ramsey.—10.
Nays—Messrs. Bramble, Cassell, Cooper, Dean, Doom, De Puy, Hall, Kline, Lee, Mason, Noel, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—20.

Lost.
Question now had on amendment proposed by Mr. Rankin, viz:
To insert after the words, the "family homestead" in section one, as follows: "Not exceeding one hundred and sixty acres of land with the improvements thereon."
Also,
To strike out the proviso attached to the same section.
On this the ayes and nays were called—result as follows:

Ayes—Messrs. Davis of Washington, Dean, Kline, Mason, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—11.
Nays—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Daily, Doom, De Puy, Fleming, Gwyer, Hall, Lee, Marquette, Noel, Ramsey, Roeder, Taffe.—20.

Lost.
Mr. Stewart now moved to lay on the table the whole matter connected with the homestead bill, except
C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale."
Ayes and nays called:

Ayes—Messrs. Bramble, Cooper, Davis of Washington, Dean, Doom, Fleming, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—19.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Daily, De Puy, Gwyer, Marquette, Ramsey, Roeder.—12.

Carried.

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Being now taken up,

Mr. Steinberger moved to amend as follows:

In section one insert after the words "family homestead, as follows: "Of every free, white householder of this Territory, male or female, being an occupant or owner of the premises."

On this, the ayes and nays were called:

Ayes—Messrs. Bramble, Cassell, Cooper, Davis of Washington, Dean, Doom, Fleming, Hall, Kline, Lee, Mason, Noel, Ramsey, Rankin, Shields, Steele, Steinberger.—17.

Nays—Messrs. Briggs, Clark, Clayes, Collier, Davis of Cass, Daily, De Puy, Gwyer, Marquette, Roeder, Seymour, Stewart, Taffe, Wattles.—14.

Carried.

Question on reading bill third time.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Cooper, Davis of Washington, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steinberger, Stewart, Wattles.—17.

Nays—Messrs. Briggs, Clark, Clayes, Collier, Davis of Cass, Daily, Doom, De Puy, Gwyer, Marquette, Ramsey, Roeder, Steele, Taffe.—14.

Carried.

The bill was now read a third time.

Mr. Marquette moved the indefinite postponement of the bill, and on that moved the previous question.

The main question was now ordered, and on that the ayes and nays were called:

Ayes—Messrs. Briggs, Cassell, Clark, Collier, Davis of Cass, Daily, Doom, De Puy, Gwyer, Marquette, Ramsey, Roeder, Taffe.—13.

Nays—Messrs. Bramble, Davis of Washington, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—17.

Lost.

The bill was now put on its passage, on which the ayes and nays were called:

Ayes—Messrs. Bramble, Clayes, Cooper, Davis of Washington, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—18.

Nays—Messrs. Briggs, Cassell, Clark, Collier, Davis of Cass, Doom, De Puy, Gwyer, Marquette, Ramsey, Roeder, Taffe.—13.

Passed.

Mr. Clayes moved to re-consider the vote just taken.

Mr. Doom moved to adjourn.

Lost.

Mr. Steinberger moved to lay the motion to re-consider on the table,

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Davis of Washington, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—17.

Nays—Messrs. Briggs, Clayes, Collier, Davis of Cass, Daily, Doom, De Puy, Gwyer, Marquette, Ramsey, Roeder, Taffe.—12.

Carried.

The title of the bill was then agreed to.

Mr. Daily moved to adjourn.

Lost.

On motion the House took a recess until 3 o'clock P. M.

3 o'clock P. M.

The Speaker having called the House to order,

Mr. Gwyer moved that the House now take up and consider the revenue bill.

Mr. Stewart moved, as an amendment, that the House now go into Committee of the Whole on the revenue bill.

Mr. Taffe moved to lay the motion and amendment on the table.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Clark, Collier, Davis of Cass, Davis of Washington, Dean, Fleming, Hall, Lee, Marquette, Ramsey, Rankin, Shields, Steinberger, Taffe, Wattles.—17.

Nays—Messrs. Briggs, Clayes, Cooper, Daily, Doom, Gwyer, Kline, Hall, Steele, Stewart.—10.

Carried.

Mr. Clark moved that further consideration of the revenue bill be deferred until to-morrow.

Carried.

Business on the Speaker's table now taken up.

H. B. No. 74, "An act to relocate the seat of justice of Washington county."

Mr. Kline moved that further consideration of the bill be deferred until Monday next.

Carried.

H. B. No. 31, "An act concerning limited partnerships,"

Read third time, passed and title agreed to.

H. B. No. 67, "An act for organizing the county of Hall to define the boundaries and locate the county seat thereof.

On motion of Mr. Roeder,

Amended as follows:

Section two was stricken out, and the following inserted in place thereof: "The seat of justice of said county shall be located by the citizens thereof, under the provisions of an act entitled 'An act in relation to new counties, approved March 14, 1855,' or any other law of a similar character which may be enacted hereafter."

The bill was then ordered engrossed for a third reading to-morrow.

H. B. No. 61, "An act to establish a territorial road from Bellevue to Forest city, in Sarpy county,"

Read third time, passed and title agreed to.

H. B. No. 47, "A bill for an act to incorporate the town of West Point, in Cuming county,"

Read a third time, passed and title agreed to.

Mr. Kline, on leave, introduced

H. B. No. 81, "An act to dissolve the bonds of matrimony between John N. Burton and Mary Burton."

Read first and second time, and referred to a special committee of three, consisting of Messrs. Kline, Rankin and Mason.

Mr. Steele offered the following resolution:

Resolved, That the Sergeant-at-arms procure for each member of the House, — copies of the Omaha Nebraskian, wherein is published the Criminal Laws passed at this session of the Legislature.

Laid over under rule.

H. B. No. 75, "A bill for an act to incorporate the Concord Town and Ferry Company,"

Read a third time and put on its passage.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Collier, Davis of Cass, Daily, Dean, Doom, De Puy, Kline, Lee, Marquette, Noel, Ramsey, Roeder, Seymour, Shields, Steele, Steinberger, Taffe, Wattles.—20.

Nays—Messrs. Briggs, Clark, Clayes, Cooper, Fleming, Gwyer, Hall, Mason.—8.

Passed.

The title then agreed to.

Mr. Davis of Washington obtained leave of absence until Monday next.

Mr. Kline gave notice of a bill entitled "A general Banking Law."

Mr. Kline obtained leave of absence until Saturday next.

H. B. No. 60, "An act to incorporate the city of Beatrice,"

Read third time, passed and title agreed to.

C. B. No. 88, "A bill for an act to amend an act entitled 'An act to incorporate Nebraska city,'"

Postponed until Monday next.

H. B. No. 62, "An act to establish a territorial road from Bellevue, via Hazelton, in Sarpy county, to Elkhorn city in Douglas county," Ordered engrossed for a third reading to-morrow.

H. B. No. 56, "An act to establish and keep a ferry across the Missouri river; between La Platte mill, and a line due east of the Otoe and Omaha Mission House, at Bellevue, Sarpy county."

Recommitted to special committee, consisting of Messrs. Wattles, Shields, Norwood and Rankin.

H. B. No. 76, "An act securing the benefits of the writ of habeas corpus,"

Ordered engrossed for a third reading on to-morrow.

H. B. No. 77, "An act for the prevention of frauds and perjuries,"

Read third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Doom, De Puy, Fleming, Gwyer, Hall, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—25.

Nays—Messrs. Daily, Taffe.—2.

Passed and title agreed to.

On motion of Mr. Briggs,

The House adjourned at 5 o'clock P. M.

FRIDAY, October 22, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal of yesterday read.

Mr. Collier moved that the Clerk be instructed to record the questions of order and the decisions or the Speaker thereon, in their proper place on the journal.

Mr. Hall moved to lay the motion on the table.

Carried.

Mr. Clayes moved that the Clerk be instructed to enter upon the journal, all business of whatever character which may be entertained by the House, and under no circumstances to change or alter the proceedings of the House in his daily record.

Mr. Seymour moved to lay that motion on the table,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Cassell, Davis of Cass, Dean, Fleming, Hall, Kline, Lee, Mason, Noel, Ramsey, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles.—19.

Nays—Messrs. Briggs, Clark, Clayes, Collier, Cooper, Daily, Doom, Gwyer, Marquette.—9.

Carried.

Mr. Steele moved that the journal of yesterday, as read, be approved.

Mr. Clayes moved as an amendment, that the points of order made yesterday and entertained by the House be entered on the journal.

Mr. Seymour moved to lay the motion to amend on the table.

Ayes and nays called:

Ayes—Messrs. Cassell, Davis of Cass, Dean, Fleming, Hall, Kline, Lee, Noel, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles, Young.—16.

Nays—Messrs. Bramble, Clark, Clayes, Collier, Cooper, Daily, Doom, Gwyer, Marquette, Mason, Ramsey, Roeder, Taffe.—13.

Carried.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 22, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 99, "An act to establish a ferry opposite Strik-the-Rees Camp in Minnesota territory,"

Also,

C. B. No. 101, "An act to lay out and establish a territorial road from Aspinwall in Nemaha county to Pawnee city in Pawnee county,"

And the concurrence of the House is requested.

I also, return you H. B. No. 37, "A bill for an act to authorize John H. S. Grove and Charles F. Putnam to run a ferry across the Missouri river at Ponca landing, Dakota county,"

The same having passed the Council with the amendments thereto attached.

I have also to inform you that the Council has concurred in the amendments of the House to

C. B. No. 33, "A bill for an act to locate and establish a territorial road from Nebraska city to Salem."

S. M. CURRAN, Chief Clerk.

The question now recurred on the motion to approve the journal.

Messrs. Mason and Steinberger asked to be excused from voting, which was refused by the House.

On motion of Mr. Collier,

Call of the House ordered.

Absent—Messrs. Briggs, Cooper, Mason.

The Sergeant-at-arms was dispatched for the absentees.

Mr. Steinberger moved that all further proceedings under call be dispensed with.

On which the ayes and nays were called:

Ayes—Messrs. Cassell, Davis of Cass, De Puy, Fleming, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles, Young.—20.

Nays—Messrs. Bramble, Clark Clayes, Collier, Daily, Dean, Doom, Gwyer, Taffe.—9.

Carried.

The ayes and nays were now called on the motion to approve the journal.

Result as follows:

Ayes—Messrs. Cassell, Davis of Cass, Dean, Doom, Fleming, Hall, Kline, Lee, Noel, Ramsey, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles, Young.—19.

Nays—Messrs. Bramble, Clark, Clayes, Collier, Daily, Gwyer, Marquette, Taffe.—8.

Carried.

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,"

Being the special order for the day,

Mr. Stewart moved that the House go into Committee of the Whole for the consideration of that bill.

Carried, and

The House went into Committee of the Whole, Mr. Stewart in the Chair.

While in committee the Speaker took the Chair, in order to receive the following message from the Council:

Council Chamber,
Oct. 22, 1858.

Mr. Speaker:

I herewith return to your honorable body,

H. B. No. 27, "A bill for an act to locate a territorial road from Rulo to Blue Springs,"

Also,

H. B. No. 48, "A bill for an act to locate a territorial road from Ponca, Dakota county, to Pacific city, on the Running Water river,"

Also,

H. B. No. 25, "A bill for an act to establish a ferry across the Missouri river at Wyoming city, N. T.,"

The same having passed the Council without amendment.

I have also to inform you that the Council has passed,

C. B. No. 109, "An act to amend an act to locate a territorial road in Cass county,"

And the concurrence of the House is requested therein.

S. M. CURRAN,
Chief Clerk.

The House having resumed business,

Mr. Stewart, from Committee of the Whole, reported that the committee had adopted the first seventeen sections of the bill before them, and asked leave to sit again at 2½ o'clock this afternoon.

On motion of Mr. Mason,

The report was adopted.

On motion of Mr. Clayes,

The House took a recess until 2½ o'clock P. M.

2½ o'clock P. M.

The Speaker took the Chair, and called the House to order.

Mr. Shields obtained leave of absence until Tuesday next.

The House now resolved itself into Committee of the Whole, for the further consideration of

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,"

Mr. Stewart in the Chair.

After spending the afternoon therein, the committee rose and by its Chairman reported progress and asked leave to sit again.

On motion of Mr. Seymour,

The House adjourned at 5 o'clock P. M.

SATURDAY, October 23, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Fleming offered the following resolution:

Resolved, That J. D. Ramsey be excused for his non-attendance during the extra session and the first ten days of the regular session, and that the Secretary be respectfully requested to pay him the per diem and mileage to which he would have been entitled if he had been here, at the commencement of the first session of the Legislative Assembly.

On motion,

The resolution was adopted.

Mr. Fleming, on leave, introduced

H. B. No. 82, "A bill for an act to incorporate the Missouri river and Nemaha Valley Rail Road Company,"

Read first and second time by title, and referred to Committee on Internal Improvements.

Mr. Daily, on leave, introduced

H. B. No. 83, "A bill for an act to more particularly define and settle the boundaries of Nemaha county," Read first and second time by title.

Mr. Hall gave notice of a bill for an act concerning commission merchants.

Mr. Marquette gave notice of a bill for an act amendatory of the third chapter of an act entitled "An act respecting practice and proceedings in courts of justice, and for other purposes."

Mr. Seymour gave notice of a bill for the location of a territorial road from Omaha city via Hazelton, to Forest city in Sarpy county, at the mouth of the Elkhorn.

Mr. Briggs gave notice of a bill entitled "An act to amend chapter thirty-seven, entititled 'Of Wills,' approved January 26, 1856."

Mr. Bramble, on leave, introduced

H. B. No. 84, "A bill for an act to locate a territorial road from Ionia, Dixon county, to Fontenelle, Dodge county."

Read first and second time, and referred to Committee on Roads.

Mr. Steinberger gave notice of a bill for the location of a road from Omaha, via McCardles, to Elkhorn city.

Mr. Roeder, from Committee on Common Schools, submitted the following report:

Your committee to whom was referred H. B. No. 35, entitled "An act to enable the trustees of colleges, academies, universities, and other institutions for the purpose of promoting education, to become bodies corporate," have had the same under consideration, and recommend that the eleventh line of the third section, the words "to make," be stricken out, and the words "of making," be inserted.

To section number eighteen add the words, "its passage."

As amended, your committee would respectfully and earnestly recommend the passage of the bill.

All of which is respectfully submitted,

AUGUSTUS ROEDER,
WM. J. YOUNG,
P. G. COOPER.

On motion,

The amendments recommended by the committee were adopted.

On motion of Mr. Seymour,

Further consideration of the bill was postponed until Tuesday next.

Mr. Taffe, from Committee on Internal Improvements, to which was referred

H. B. No. 45, "A bill to authorize Thomas Patterson to erect a mill dam across Rock creek,"

Reported the same back without amendment, and recommended its passage.

On motion,

The rules were suspended, the bill read third time, passed and title agreed to.

Mr. Marquette, on leave, introduced

H. B. No. 85, "A bill for an act to incorporate the Salt Creek Bridge and Ferry Company."

Read first and second time by title, and referred to Committee on Corporations.

Mr. Clark gave notice of a bill for an act to establish a territorial road from Brownville, Nemaha county, via Glen Rock and Helena, to Kingston, in Johnson county.

Mr. Briggs, from Committee on Privileges and Elections, to which was referred

C. B. No. 60, "A bill for an act to fix the time for holding the general elections,"

Reported the same back without amendment, and recommended its passage.

The bill was then read third time, passed and title agreed to.

Mr. Taffe, from Committee on Internal Improvements, to which was referred

H. B. No. 63, "An act to incorporate the Missouri and Columbia River Rail Road Company,"

Reported the same back without amendment, and recommended its passage.

On motion,

The bill was ordered engrossed for a third reading.

Mr. Doom moved that the committee to which was referred the

H. B. entitled "An act to value and appraise the property of an execution defendant,"

Be requested to report the same back to the House on Monday next.

Also,

The committee to which was referred a bill entitled "An act to regulate interest," be requested to report the same back on the same day.

Carried.

Mr. Hall, from Committee on Accounts and Expenditures, submitted the following report:

Your Committee on Accounts and Expenditures, to whom was referred

H. B. No. 41, "A bill for an act for the preservation and safe keeping of the journals of the Council and House of Representatives of the Territory of Nebraska,"

Having had the same under investigation would report that we find no objection to the bill unless it be the expense incurred if the bill pass; and your committee do not see the importance of said bill,

Accordingly we ask leave to report back the bill without recommendation.

HALL, Chairman.

On motion of Mr. Seymour,

The bill was laid on the table.

Mr. Cooper gave notice of a bill authorizing the Governor to effect a loan on the credit of the territory for the purpose of making a geological survey, provided that Congress mabe no appropriation at this session.

Mr. Fleming moved that business on the Speaker's table be taken up.

Carried.

Mr. Seymour moved that the House go into Committee of the Whole for the consideration of

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property and for the levying and collection of taxes in the Terrritory of Nebraska,"

Carried.

And the House went into Committee of the Whole, Mr. Seymour in the Chair.

During the sitting of the committee the Speaker took the Chair to receive the following message from the Council:

Council Chamber,
Oct. 23, 1858.

Mr. Speaker:

I am instructed to inform you that the Council has passed

C. B. No. 111, "A bill for an act to legalize the rail road election of Douglas county, held July 16, 1857,

And the concurrence of the House is respectfully requested.

I have also to inform you that the Council have refused to concur in the amendments of the House to

C. B. No. 3, "An act to exempt the homestead of families from forcible sale."

I also return

H. B. No. 53, "A bill for an act to locate a territorial road from Nebraska city to Platte river,"

The same having passed the Council with the following amendment, add at the end of the fifth section the words "in proportion to the length of the road in each,"

Also,

H. B. No. 54, "A bill for an act to locate a territorial road from Wyoming to Salt creek,"

The same having passed the Council with the following amendment: add at the end of section three the words "in proportion to the length of the road in each."

S. M. CURRAN, Chief Clerk.

Executive Department, N. T.,
Omaha, Oct. 23, 1858.

Mr. Speaker:

I am instructed by the Governor to inform the House, that he has signed and approved

A memorial and joint resolution, asking for additional mail services from Dakota city to Niobrarah, on the Running Water river,

Also,

A joint resolution and memorial relative to the Yancton Sioux Indians, and the treaty negotiated with them,

Also,

A bill for an act to establish permanently the county seat of Richardson county, by a vote of the people,

J. McCONIHE, Private Secretary.

The House having resumed business,

Mr. Seymour, from Committee of the Whole, reported

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,

With sundry amendments thereto, and recommended their adoption.

Mr. Mason presented a petition from certain citizens of Otoe county, in relation to the erection of a court house and jail in that county.

Referred to a special committee of three, consisting of Messrs. Mason, Hall and Lee.

Mr. Noel, from Committee of Engrossing and Enrolling Bills, reported House Bills Nos. 63 and 67 as correctly engrossed.

Also, that

H. B. No. 59, "A memorial and joint resolution, asking for an increase of mail services from Dakota city to Niobrarah, on the Running Water river."

H. B. No. 14, "An act to establish permanently the county seat of Richardson county," and

H. B. No. 65, "Joint memorial and resolution relative to the Yancton Sioux Indians, and the treaty negotiated with them,"

Had this day been laid before the Governor for his approval or rejection.

On motion of Mr. Taffe,

The House took recess until 2½ o'clock P. M.

2½ o'clock P. M.

The Speaker took the Chair, and called the House to order.

Mr. De Puy, on leave, introduced

H. B. No. 86, "A bill for an act to incorporate the city of Genoa, in Monroe county,"

Read first and second time, and referred to Committee on Corporations.

Also,

H. B. No. 87, "A bill for an act to establish a territorial road from Omaha, in Douglas county, to Fontenelle, in Dodge county,"

Read first and second time, and referred to Committee on Roads.

Mr. Noel, on leave, introduced

H. B. No. 88, "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers."

Read first and second time, and referred to Committee on Judiciary.

Mr. Gwyer gave notice of a bill to authorize certain parties to construct a telegraph line from Omaha city to Salt Lake city, Utah Territory.

Mr. Bramble offered the following resolution:

Resolved, That on the final passage of all bills, the ayes and nays shall be called.

Laid over under rule.

Mr. Collier offered the following preamble and resolution:

Whereas, Evil disposed persons have taken malicious pleasure in circulating false reports, injurious to the reputation of the people of this Territory, and of this House, and it is evident that a false and ridiculous hoax has been imposed upon the editor of the Milwaukie Wisconsin. Be it

Resolved, That the editor of the Milwaukie Wisconsin be and is hereby kindly invited to the floor of this House, and assured within his own sanctum or by his own fireside, he is not more safe than he will be in the halls of the House of Representatives of the Territory of Nebraska.

Laid over under rule.

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,"

Was now taken up, and the amendments thereto, reported by the Committee of the Whole, adopted.

On motion,

The bill was read a first and second time.

Mr. Rankin, from a special committee, to which was referred

H. B. No. 28, "A bill for an act to organize, define the boundaries and locate the county seat of Dixon county,"

Reported the same back with a substitute therefor.

On motion,

The substitute was adopted.

Read first and second time, and ordered engrossed for a third reading on to-morrow.

On motion of Mr. Clayes,

C. B. No. 111, "A bill for an act to legalize the rail road election of Douglas county, held July 16, 1857,"

Was taken up.

The bill was then read a first and second time, and referred to a special committee of eight, consisting of Messrs. Clayes, Seymour, Roeder, Gwyer, Stewart, Briggs, Steinberger and Steele.

On motion,

H. B. No. 39, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe, Nemaha, Richardson and Pawnee counties,"

Was now taken up.

Mr. Daily moved to amend section ten, by inserting "one-sixth" in place of "one-fourth."

Lost.

Mr. Mason moved to strike out all after the enacting clause.

Lost.

Mr. Clark moved to amend as follows:

In section twelve strike out all after the word "shall," and insert as follows, viz: "become a law in any of the counties named in the title of the bill, except Pawnee, whenever it shall be approved by a majority of the legal votes in such county."

Mr. Lee moved to amend the amendment by excepting Otoe county.

Lost.

Question on amendment.

Carried.

Mr. Mason moved to amend section ten, by striking out the words "induce an election in their respective county," and inserting the word "vote."

Carried.

Mr. Lee moved to strike out section ten.

Lost.

The bill was then ordered engrossed for a third reading on to-morrow.

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and the levying and collection of taxes in the Territory of Nebraska,"

Was now taken up.

Mr. Taffe moved to amend section one by striking out all of lines twenty-one and twenty-two, except the words "private libraries."

Lost.

Mr. Taffe moved to strike out all of section five.

Carried.

Mr. Taffe moved to amend section six, by inserting after the word "list," in the first line, the words "of each person."

Carried.

Mr. Taffe moved to amend section three, by striking out all between the words, "state" and "are" in the fourth and fifth lines.

Carried.

Mr. Taffe moved to strike out all that portion of section two, embraced between the words "union" and "money," in lines seventeen and eighteen.

Carried.

The bill was now ordered engrossed for a third reading on to-morrow.

Resolution relative to furnishing copies of the Criminal Code for members,

Was now taken up.

Mr. Gwyer moved to fill blank in resolution by inserting "twenty."

Mr. De Puy moved to insert "forty."

Carried.

Mr. De Puy moved that three cents per copy be allowed.

Mr. Collier moved to lay the motion on the table.

Carried.

Mr. Hall moved to reconsider the vote by which the blank was filled, by inserting "forty."

Carried.

Question on inserting "forty."

Lost.

Mr. Briggs moved to insert "twenty-five."

Mr. Mason moved to insert "thirty."

Carried.

Mr. Gwyer now moved that the resolution be adopted.

Carried.

On motion of Mr. Daily,
The House adjourned at 5 o'clock P. M.

MONDAY, October 25, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Clark offered the following resolution:

Resolved, That no member shall be allowed to speak more than ten minutes at one time, nor more than once to the same subject under debate."

Laid over under rule.

Mr. Clark, on leave, introduced

H. B. No. 89, "An act to locate a territorial road from Brownville, in Nemaha county, to Kingston, in Johnson county,"

Read a first and second time, and referred to Committee on Roads.

Mr. Clark also introduced

H. B. No. 90, "An act to prohibit the issue and circulation of unauthorized bank paper,"

Read a first and second time, and referred to Committee on Banks and Currency.

Mr. Gwyer, on leave, introduced

H. B. No. 91, "An act to incorporate the Omaha City and Salt Lake Telegraph Company,"

Which was read a first and second time.

Mr. Gwyer moved to refer the bill to a select committee of three.

Lost.

Mr. Seymour moved to refer to Committee on Corporations.

Lost.

Question had on motion for a select committee.

Carried.

Committee—Messrs. Gwyer, Seymour and Steinberger.

Mr. Seymour, on leave, introduced

H. B. No. 92, "A bill for an act to locate a territorial road from Omaha city, via Hazleton, to Forrest city in Sarpy county,"

Read first and second time and referred to Committee on Roads.

Mr. Roeder, on leave, introduced

H. B. No. 93, "A bill for an act to incorporate the West Point Ferry and Bridge Company,"

Read first and second time and referred to Committee on Corporations.

Mr. Clayes from special committee to which was referred,

C. B. No. 111, "A bill for an act to legalize the rail road election of Douglas county, held July 16, 1857,"

Reported the same back without amendment and recommended its passage.

Mr. Kline presented remonstrances and affidavits from citizens of

Washington county, in relation to the removal of the county seat of that county.

Mr. Collier presented a petition from citizens of Burt county, in relation to a wagon road from Platte river to the Running Water.

On motion,

The petition was referred to Committee on Roads.

Mr. Steinberger, on leave, introduced

H. B. No. 94, "An act to locate a territorial road from the city of Elkhorn to the Pappillion at McArdle's,"

Read first and second time and referred to Committee on Roads.

Mr. Kline, on leave, introduced

H. B. No. 95, An act to prevent tresspassing on timber land.

Read first and second time, and referred to Committee on Judiciary.

Mr. Davis of Washington, from Committee on County Seats and County Boundaries, to which was referred

C. B. No. 73, "An act to establish the county of Ponca,"

Reported the same back without amendment, and recommended its passage.

Mr. Young, from Committee on Common Schools, to which was referred

C. B. No. 23, "A bill for an act providing for the better regulation of schools in Nebraska,"

Reported the same back without recommendations.

The following communication from the Sergeant-at-arms was read:

To the Speaker of the House of Representatives:

I would beg leave to report that I have seen Mr. Robertson in relation to procuring printed copies of the Criminal Code, and the lowest price per copy for which they can be got, to be paid in cash, is five cents each, and in territorial warrants ten cents each.

And your Sergeant-at-arms, not feeling himself authorized to procure them at that rate, makes this report that he may be further instructed by the House in regard to the same.

J. D. N. THOMPSON,
Sergeant-at-arms, H. R.

Mr. Gwyer moved that the Sergeant-at-arms be instructed to procure the papers in accordance with the resolution, at the rate of ten cents per copy.

Mr. Clark moved to reconsider the vote by which the Sergeant-at-arms was instructed to procure copies of the Nebraskian.

Mr. Gwyer moved to lay that motion on the table.

Lost.

Question had on motion to reconsider.

Carried.

Mr. Daily now moved the indefinite postponement of the original resolution.

Carried.

Mr. Rankin, from Committee on Roads, to which was referred

H. B. No. 72, "A bill for an act to establish a territorial road from Florence to the bridge on the Little Pappillion,"

Reported the same back without amendment, and recommended its passage.

Mr. Rankin, on leave, introduced

H. B. No. 96, "A bill to authorize the Bank of Nebraska to deposit security for its issues with the Auditor of the Territory,"

Read first and second time.

Mr. Steinberger moved to refer the bill to a select committee of three.

Mr. Clayes moved to refer to Committee on Banks and Currency.

Carried.

Mr. Steinberger moved to instruct the committee to report on Wednesday next.

Mr. Clayes moved to amend, by instructing committee to report on Thursday instead of Wednesday.

Carried.

Motion, as amended,

Carried.

Mr. Mason gave notice of a bill to amend sections seventeen, eighteen, eighty-seven and one-hundred and eighty-one of the Criminal Code, passed at the present session.

Mr. Hall, on leave, introduced

H. B. No. 97, "A bill for an act concerning commission merchants,"

Read first and second time, and referred to a select committee of three, consisting of Messrs. Mason, Hall and Collier.

Mr. Gwyer rose to a question of privilege, and read the following statement and protest, which he requested be entered at large upon the Journal of the House:

The undersigned, members of the House of Representatives, believing that they are misrepresented by the Journal of the proceedings in this House on the 21st instant, respectfully submit the following statement and protest:

The Journal of the House is incorrect, especially in that it states that Mr. Collier moved to take up the business on the Speaker's table and orders of the day; in that it does not state the ruling of the Speaker upon the real motion of Mr. Collier; in that it does not state the points of order raised when the Speaker took up Council Bill No. 3, after the motion of Mr. Rankin to take up unfinished business, and the ruling of the Speaker on these points of order; in that it does not state the Council Bill No. 3 was then laid again upon the Speaker's table by the Speaker; in that it does not state the motion of Mr. Gwyer, to take up the bill reported by the minority of the special committee, to whom was referred the Homestead Bill, H. B. No. 6, being the unfinished business, or the disposition by the Speaker of that motion; in that it does not state that after the motion of Mr. Stewart, to lay upon the table all matters connected with the Homestead Bill except Council Bill No. 3, that Mr. Collier made two points of order, nor state those points of order, nor the decisions upon them; in that it does not state correctly the motion of Mr. Steinberger, and does not state the points of order raised by Mr. Clayes, nor the decisions upon them; and in that it does not state that on the motion of Mr. Rankin, on the motion of Mr. Steinberger, on the motion to read the bill (C. B. No. 3) the third time, and on the motion that the bill pass, the previous question was on each motion called, preventing and cutting off amendments or debate.

And the undersigned do further state that the following is a true record that should appear on the journal:

After the motion of Mr. Mason to instruct the Committee on Schools, hereinbefore referred to,

Mr. Collier moved to take up the special order of the day.

This motion was not entertained by the Speaker, who stated that the proper motion would be to take up the business on the Speaker's table.

A motion was made to take up the business on the Speaker's table.

Mr. Gwyer moved to take up the Revenue Bill, that being the special order of this day, at 10 o'clock A. M.

Ayes and nays were called, and the motion lost.

Mr. Rankin then moved to take up the unfinished business, and called the previous question.

Mr. Gwyer moved to lay the motion of Mr. Rankin on the table.

The ayes and nays were demanded, and the motion was lost.

The question on Mr. Rankin's motion,

Carried.

The Speaker then placed before the House

C. B. No. 3, "An act to exempt the homestead of families from forcible sale,"

And upon this, questions of order were raised against the action of the Speaker, which were decided by the Speaker against the persons who submitted the questions; on appeal, the decisions of the Speaker were sustained by a majority of the House.

Mr. Gwyer moved to take up the minority report of the special committee, and the bill reported by them, as being the unfinished business.

Questions of order were here submitted against the act of the Speaker in taking up C. B. No. 3, and to sustain Mr. Gwyer's motion.

Mr. Gwyer's motion was not entertained.

The Speaker then laid again on his table the C. B. No. 3, and took up the bill reported by the minority of the special committee, to whom was referred the Homestead Bill, as the unfinished business.

The question then arose on filling the blanks in the first section of the bill; on which the ayes and nays were demanded.

(The vote on the filling of the blanks is correctly stated in the Journal.)

The question then arose on the amendment of Mr. Rankin.

Ayes and nays called, and the amendment lost.

(As is correctly stated in the Journal.)

Mr. Stewart now moved to lay on the table the whole matter connected with the Homestead Bill, except C. B. No. 3, "An act to exempt the homestead of families from forcible sale."

The ayes and nays were demanded: Ayes—19. Nays—12.

Mr. Collier submitted questions of order Nos. 1 and 2:

1st. The motion of the gentleman from Douglas (Stewart), to lay on the table all except C. B. No. 3, does not leave the C. B. No. 3, before the House, for the reason, that bill was not before the House yesterday, and can not be included with the unfinished business.

2d. There being a special order (the Revenue Bill), that order can not be suspended, and C. B. No. 3 taken up, unless by vote of two-thirds.

The Speaker decided that both points of order were not well taken.

An appeal was then made to the House, and the decision of the Speaker was sustained.

Mr. Steinberger moved to take up C. B. No. 3, and that it be read the third time, and at the same time offered the following amendment:

By inserting after the words "family homestead," the words, "of every free white householder of this Territory, male or female, being an occupant or owner of the premises,"

And called the previous question.

Mr. Clayes then raised questions of order Nos. 1 and 2.

1st. That no amendment is in order until the question is stated by the Chair to be on reading the bill the third time.

2d. That two distinct and independent motions can not be made at the same time and the previous question called, thus confining the action of the House to the two motions cutting off debate.

The Speaker decided both questions of order were not well taken; and an appeal was made to the House, and ayes and nays demanded, and the decision of the Speaker was sustained.

The question then (the previous question having been called) was taken up, on the amendment of Steinberger, and the amendment was adopted, by ayes 17, nays 14.

A motion was then made to read the bill a third time, and the previous question called and seconded.

The bill was then read the third time.

Having thus stated particularly our objections to the journal, and stated the proceedings truly as we believe, we do protest against the action of this House, by which we were refused (on yesterday, the 22d) any correction of the journal.

It is due to every member of this House, and to the House collectively, that the journal should state precisely the action of the House, and be a perfect record of its proceedings. The journal of the 21st is not a true record of the proceedings, and presents the undersigned opponents of the homestead bill (the Council Bill No. 3) as tamely and silently permitting that bill to pass without amendment or opposition, other than the mere record of part of the votes taken immediately before and on its passage.

We are therefore compelled to this statement, and respectfully ask and insist upon our just right, to place our statement and protest on the records of the House.

DAVID L. COLLIER,
WILLIAM A. GWYER,
GEORGE CLAYES,
MILTON F. CLARK.

Mr. Mason moved to refer the statement of Messrs. Collier, Gwyer, Clayes and Clark to a special committee of five.

Mr. Gwyer moved to lay that motion on the table.

Lost.

Question on the motion for a select committee.

Carried.

Committee.—Messrs. Mason, Rankin, Gwyer, Seymour and Hall.

Mr. Stewart from Committee on Corporations made the following report:

Your committee to whom was referred

H. B. No. 85, "A bill for an act to incorporate the Salt Creek Bridge and Ferry Company,"

Having had the same under consideration beg leave to report the same back with the following amendments and recommend its passage:

Strike out the words, "have perpetual succession," in section first, and insert at the close of that section the words; "and said corporation shall expire and cease to be possessed of the powers and privileges, contained in this act at the expiration of ten years from and after the passage of this act,"

Your committee also report back

H. B. No. 36, "A bill for an act to incorporate the Ionia Town and Ferry Company,"

And recommend its passage with the following amendment, viz: strike out all after the word "regulate" in the third section, and insert the following: "As govern and regulate the ferry at Sioux city."

(Signed), STEWART,
DAVIS,
RAMSEY,
KLINE,
BRAMBLE.

The same gentlemen also submitted the following report:

Your committee to whom was referred

C. B. No. 24, "A bill for an act to authorize James Folden and A. S. Folden to build a mill dam across Weeping Water river,"

Having had the same under consideration beg leave to report the same back with the following amendment and recommend its passage: After the word "erect," in section two, insert the following, "provided that the back water from said dam does not obstruct the crossing of said stream on any public highway."

Your committee also report back

H. B. No. 78, "A bill to incorporate the town of Pawnee city,"

And recommend its passage.

JAMES STEWART,
DAVIS,
BRAMBLE,
KLINE,
RAMSEY.

Mr. Kline moved to take up

H. B. No. 74, "An act to relocate the seat of justice of Washington county,"

And refer that, together with all the papers connected therewith, to a special committee of five.

Mr. Davis of Washington moved that the whole subject in connection with that bill, be made the special order of the day for to-morrow.

Carried.

Mr. Gwyer moved that the special committee, to whom was referred the statement and protest of Messrs. Collier, Gwyer, Clayes and Clark, be instructed to report on Wednesday next.

Carried.

Mr. Davis of Cass moved to take up business on Speaker's table.

Carried.

Mr. Davis of Cass moved that all bills be taken up in the order in which they were introduced.

Lost.

C. B. No. 13, "A bill for an act to amend an act entitled 'An act for locating, opening, repairing and changing county roads,' approved January 26, 1856,"

Was now taken up.

On motion of Mr. Clark,

The amendment proposed by the Council was agreed to.

H. B. No. 54, "A bill for an act to locate a territorial road from Wyoming to Salt creek,"

Was then taken up, and,

On motion of Mr. Hall,

The amendment proposed by the Council agreed to.

H. B. No. 53, "A bill for an act to locate a territorial road from Nebraska city to Platte river,"

Was taken up, and,

On motion of Mr. Gwyer,

The amendments proposed by the Council agreed to.

H. B. No. 37, "A bill to authorize John H. S. Grove and Charles F. Putnam to run a ferry across the Missouri river at Ponca landing, Dakota county,"

Was taken up, and,

On motion of Mr. Bramble,

The amendments proposed by the Council were agreed to.

The following message from the Council was received:

Council Chamber,
Oct. 25, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following named bills, and the concurrence of the House is requested therein:

C. B. No. 76, "An act to incorporate the Frankfort Town and Ferry Company."

C. B. No. 100, "A bill for an act to locate and establish a territorial road from Peru, in Nemaha county, to the Kansas line in Richardson county, N. T.; and

C. B. No. 110, "A bill for an act to locate and establish a territorial road from St. Stephens, in Richardson county, to intersect the Military road from Fort Leavenworth to Fort Kearney."

I also return you

H. B. No. 42, "An act for the regulation of county jails,"

The same having passed the Council without amendment.

Also,

H. B. No. 52, "A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county,"

The same having passed the Council with the following amendments, viz:

In section two, line seven, strike out "three" and insert "two."

In section four, line five, insert "twenty-five" instead of "thirty;" line six, insert "twenty-five" instead of "thirty;" line seven, insert "for two horses, or mule and buggy," "seventy-five;" line eight, insert "fifteen" instead of "twenty-five;" line nine, insert "five" instead of "ten;" line ten, insert "five" instead of "ten;" between lines ten and eleven insert the following—"for single horse, or mule and cart, sleigh or buggy," "fifty."

I also return you

H. B. No. 44, "A bill to authorize George W. Hunt to keep a mill dam across the south branch of Weeping Water, in Cass county,"

Which passed the Council, with the amendments thereto attached.

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Was now taken up.

Mr. Clark moved that the House insist upon its amendment to the bill.

Call of the House ordered:

Absent—Messrs. Clayes, Doom, Mason, Steele, Steinberger and Wattles.

Mr. Marquette moved that all further proceedings under call be dispensed with.

Lost.

The Sergeant-at-arms was dispatched for absentees.

Mr. Young moved to dispense with all further proceedings under call.

Carried.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported House Bills Nos. 28, 63, 39 and 76, as correctly engrossed.

Mr. Clayes moved that

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Be read for information.

Ayes and nays called:

Ayes—Messrs. Briggs, Cassell, Clark, Clayes, Collier, Daily, Fleming, Gwyer, Hall, Marquette, Noel, Ramsey, Roeder, Taffe.—14.

Nays—Messrs Bramble, Cooper, Davis of Cass, Davis of Washington, Dean, Kline, Lee, Rankin, Seymour, Steinberger, Stewart, Young.—12.

Carried.

The bill was then read.

The following message from the Council was received:

Council Chamber,
Oct. 25, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 42, "A bill for an act to amend an act entitled an act establishing the mode of locating and changing county seats,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Cooper moved a call of the House.

Absent—Messrs. Doom, Steele and Wattles.

Mr. Clayes moved that all further proceedings under call be dispensed with.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Davis of Cass, Davis of Washington, Daily, Dean, Fleming, Hall, Lee, Marquette, Noel, Ramsey, Roeder, Steinberger, Taffe, Young.—19.

Nays—Messrs. Collier, Cooper, Gwyer, Kline, Mason, Rankin, Seymour, Stewart.—8.

Carried.

Question now recurred on the motion, that the House insist on its amendment to the bill before the House.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Dean, Daily, Fleming, Gwyer, Kline, Marquette, Noel, Ramsey, Rankin, Roeder, Taffe, Young.—21.

Nays—Messrs. Hall, Lee, Mason, Seymour, Steinberger, Stewart.—6.

Carried.

Mr. Daily moved to reconsider and to lay that motion on the table.

Mr. Kline moved a call of the House.

Absent—Messrs. Doom, Shields, Steele, Wasson and Wattles.

Mr. Daily moved to dispense with further proceedings under call.

Carried.

Five members of the House here claimed under Rule No. 44, the right to demand the presence of the absentees.

The Speaker decided that five members can not demand the presence of the absentees after the House has decided to dispense with all further proceedings under the call.

Mr. Mason appealed from the decision of the Chair.

On this Mr. Gwyer moved the previous question.

Main question ordered.

On the main question the ayes and nays were called,

Result as follows:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Fleming, Gwyer, Hall, Lee, Marquette, Noel, Ramsey, Rankin, Roeder, Seymour, Stewart, Taffe, Young.—23.

Nays—Messrs. Cooper, Kline, Mason, Steinberger.—4.

Chair sustained.

Mr. Rankin moved to adjourn.

Lost.

Mr. Cooper moved a call of the House.

Absent—Messrs. Doom, Shields, Steele, Wasson and Wattles.

Mr. Clayes moved to dispense with all further proceedings under call, and on that moved the previous question which was sustained and the main question ordered.

Mr. Rankin moved to adjourn.

The Speaker decided that a motion to adjourn can be entertained immediately after the previous question has been ordered.

Mr. Gwyer appealed from the decision.

Question on sustaining the Chair.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Hall, Kline, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Stewart, Young.—20.

Nays—Messrs. Briggs, Fleming, Gwyer, Lee, Marquette, Steinberger, Taffe.—7.

Chair sustained.

The ayes and nays were now had on the motion to adjourn:

Ayes—Messrs. Cooper, Davis of Washington, Dean, Hall, Kline, Rankin, Seymour, Stewart.—8.

Nays—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Daily, Fleming, Gwyer, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Steinberger, Taffe, Young.—19.

Lost.

Mr. Rankin moved a call of the House.

The Speaker ruled the motion out of order.

Mr. Rankin appealed from the decision of the Chair.

Ayes and nays called on the question:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Daviy of Washington, Daily, Dean, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Stewart, Taffe, Young.—26.

Nays—0.

Chair sustained.

Mr. Steinberger moved to adjourn.

Ayes and nays called:

Ayes—Messrs. Cooper, Dean, Kline, Seymour, Steinberger, Stewart.—6.

Nays—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Fleming, Gwyer, Hall, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Taffe, Young.—20.

Lost.

Mr. Mason moved a call of the House.

Overruled by the Chair.

Mr. Cooper appealed from the decision.

On sustaining the Chair,

The ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Steinberger, Stewart, Taffe, Young.—27.

Nays—0.

Chair sustained.

Mr. Mason moved to adjourn.

Mr. Daily made the following point of order, viz:

"A motion to adjourn is not in order pending the previous question."

Overruled by the Chair.

Mr. Mason appealed from the decision.

Ayes and nayes called on the appeal:

Ayes—Messrs. Cassell, Collier, Cooper, Davis of Washington, Dean, Hall, Kline, Mason, Noel, Rankin, Seymour, Steinberger, Stewart.—13.

Nays—Messrs. Briggs, Clark, Clayes, Davis of Cass, Daily, Fleming, Gwyer, Lee, Marquette, Ramsey, Roeder, Taffe, Young.—13.

The Speaker voting in the affirmative,

The decision was sustained.

Question recurred on the motion to adjourn.

Carried.

And the House adjourned at 1 o'clock and 15 minutes P. M.

TUESDAY, October 26, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Question now had on the motion before the House when the adjournment of yesterday took place, viz:

To dispense with all further proceedings under call of the House.

Carried.

Question now received on the motion to reconsider the vote, by which the House insisted on its amendment to

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

And to lay that motion on the table.

Carried.

Mr. Clark offered the following resolution:

Resolved, That no member be allowed to smoke within the bar during the time the House is in session.

Laid over under rule.

Mr. Clark, on leave, introduced

H. B. No. 98, "A bill for an act to compensate B. B. Thompson, L. Richardson, Wm. Dendy and S. F. Burtch for services rendered, as clerks for code commissioners."

Read first and second time, and referred to Committee on Accounts and Expenditures.

Mr. Briggs gave notice of a bill entitled "An act to put in force the Common Law of England."

Mr. Collier moved to instruct the committee to whom was referred "A bill for the relief of Margaritta Cuming," to report on Thursday next.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Clark, Collier, Cooper, Davis of Cass, Fleming, Gwyer, Hall, Kline, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Steele, Steinberger, Wasson.—20.

Nays—Messrs. Cassell, Davis of Washington, Daily, Dean, Doom, Lee, Stewart, Taffe, Wattles, Young.—10.

Carried.

Mr. Taffe presented a petition from citizens of Dakota county, in reference to United States wagon road.

Referred to Committee on Roads.

Mr. Taffe, from Committee on Internal Improvements, to which was referred

H. B. No. 82, "A bill for an act to incorporate the Missouri River and Nemaha Valley Rail Road Company,"

Reported the same back with sundry amendments thereto.

On motion,

The amendments were adopted, and the bill ordered engrossed for a third reading on to-morrow.

Mr. Steele, from special committee to which was referred

H. B. No. 64, "A bill for an act authorizing Joel H. Johnson to keep a ferry across the Loup Fork, at Genoa, in Monroe county,"

Reported the same back with a substitute therefor, and recommended the adoption of the substitute.

Mr. Rankin, from Committee on Roads, reported

House Bills Nos. 84, 87, 89, 92, and 94, bills for territorial roads,

And recommended their passage without amendment.

Mr. Wattles, from special committee, to which was referred

H. B. No. 56, "An act to establish and keep a ferry across the Missouri river, between La Platte mill, and a line due east of the Otoe and Omaha Mission House, at Bellevue, Sarpy county,"

Reported the same back with an amendment thereto.

On motion,

The amendment reported by the committee was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Mr. Kline, from special committee, to which was referred

H. B. No. 80, "A bill to establish a territorial road from Cuming city landing, Washington county, to Fontenelle, Dodge county,"

Reported the same back without amendment, and recommended its passage.

Mr. Mason, from Committee on Judiciary, to which was referred

C. B. No. 18, "An act authorizing private persons to sue out writs of *quo warranto* and mandamus,"

Reported the same back with sundry amendments, and recommended its passage.

On motion,

The amendments reported by the committee were adopted.

The bill was now read third time, passed and title agreed to.

Mr. Mason, from Committee on Judiciary, introduced

H. B. No. 99, "A bill for an act to prevent the taking away of books, laws, records and other documents from the Territorial Library,"

Read first and second time, and referred to Committee on Library.

Mr. Stewart, from Committee on Corporations, submitted the following report:

Your committee to whom was referred

H. B. No. 93, "A bill for an act to incorporate the West Point Ferry and Bridge Company,"

Having had the same under consideration, beg leave to report the same back with the following amendments, and recommend its passage:

Strike out the words, "have perpetual succession" in section first, and add at the close of section one the following: "and the corporation shall have and be possessed of all the rights and immunities contained in this act, for the term of ten years, from and after the passage of this act."

Your committee also ask leave to introduce "A bill for an act to establish and keep a ferry on the Platte river, at Fort Kearney," and recommend its passage.

STEWART, Chairman.

H. B. No. 100, "A bill for an act to establish and keep a ferry on the Platte river at Fort Kearney."

Introduced by Committee on Corporations.

Mr. Mason, from Committee on Judiciary, introduced

H. B. No. 101, "A bill for an act to remunerate James W. Van Nostrand for services rendered to the Committee on Judiciary, in the House of Representatives of the Territory of Nebraska,"

Read first and second time, and referred to Committee on Accounts and Expenditures, with instructions to report on to-morrow.

Mr. Mason, on leave, introduced

H. B. No. 102, "A bill for an act to regulate inclosures, and to provide against trespassing animals."

Read first and second time and referred to Committee on Agriculture, with instructions to report on to-morrow.

Mr. Fleming moved to take up business on Speaker's table, and special orders of the day.

Carried.

H. B. No. 74, "An act to relocate the seat of justice of Washington county,"

Was now taken up.

On motion,

Referred to a select committee of five.

Mr. Kline moved to reconsider.

Lost.

Mr. Seymour moved to instruct the committee to report on Thursday morning next.

Carried.

Committee—Messrs. Rankin, Stewart, Clark, Daily, Fleming.

Mr. Seymour moved that the House now go into Committee of the Whole for the consideration of

C. B. No. 23. "A bill for an act providing for the better regulation of schools in Nebraska,"

And,

H. B. No. 9, "A bill to establish the common school system in the Territory of Nebraska."

On this the ayes and nays were called:

Ayes—Messrs. Briggs, Cassell, Daily, Gwyer, Hall, Lee, Marquette, Noel, Roeder, Seymour, Stewart, Taffe, Wasson, Young.—14.

Nayes—Messrs. Bramble, Clark, Collier, Davis of Cass, Davis of Washington, Dean, Doom, Ramsey, Steele.—9.

Carried.

And the House went into Committee of the Whole, Mr. Seymour in the Chair.

During the sitting of the committee the Speaker took the Chair in order to receive the following message from the Council:

COUNCIL CHAMBER,
Oct. 26, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following named bills,

And the concurrence of the House is respectfully requested:

C. B. No. 98, "A bill for an act to incorporate the Merchants and Mechanics Fire and Marine Insurance Company,

C. B. No. 104, "A bill for an act to fix the times of holding the district courts in the second judicial district,"

C. B. No. 105, "A bill for an act to restrain sheep, cattle, horses and swine from running at large in the counties of Platte and Monroe,"

C. B. No. 117, "A bill for an act to incorporate the town of St. Stephens, in Richmond county,"

C. B. No. 118, "A bill for an act to authorize Houston Nuckolls, J. G. Lewis and Stephen Story, their associates and assigns, to establish and keep a ferry across the Missouri river, at St. Stephens, in Richardson county," and

C. B. No. 124, "A bill for an act for the relief of Levi Harsh, mayor of the city of Florence."

I also return you

H. B. No. 60, "An act to incorporate the city of Beatrice," and

H. B. No. 61, "An act to establish a territorial road from Bellevue to Forest city, in Sarpy county,"

The same having passed the Council without amendment,

Also,

H. B. No. 49, "A bill for an act to authorize S. B. Stough and Henry A. Fuller to erect a mill dam across the Ayowage creek, at Ponca, Dakota county,"

The same having passed the Council with the following amendments:

In the third line, first section, insert the name of "Adam Smith" after the name of Henry Fuller, also amend the title of the bill in the same manner,

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Also,

The following from His Excellency the Governor:

Executive Office, Omaha, N. T.,
October 26, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved "An act to locate a territorial road from Ponca, Dakota county, to Pacific city, on the Running Water river." "An act to locate a territorial road from Nebraska city to Plattsmouth." "An act to authorize John H. S. Grove and Charles F. Putnam to keep and run a ferry across the Missouri river at Ponca landing, in the county of Dakota, Territory of Nebraska." "An act to establish a territorial road from Rulo to Blue Springs."

J. McCONIHE,
Private Secretary.

The House having resumed business,

Mr. Briggs, from Committee of the Whole, reported progress, and asked leave to sit again at 2½ o'clock this afternoon.

Mr. Daily moved to adjourn.

Lost.

Mr. Gwyer moved that the House take a recess until 2½ o'clock this afternoon.

Carried.

2½ o'clock P. M.

The Speaker took the Chair, and called the House to order.

Call of the House ordered:

Absent—Messrs. Bramble, Briggs, Cassell, Clayes, Daily, Dean, Doom, Gwyer, Hall, Lee, Mason, Noel, Seymour, Shields, Steinberger, Wasson, Wattles.

The Sergeant-at-arms was dispatched after the absentees.

On motion of Mr. Fleming,

All further proceedings under call be dispensed with.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor, for his approval or rejection, the following named bills:

H. B. No. 48, "An act to locate a territorial road from Ponca, Dakota county, to Pacific city, on the Running Water,"

H. B. No. 27, "An act to locate a territorial road from Rulo to Blue Springs,"

H. B. No. 25, "An act to establish a ferry across the Missouri river at Wyoming city, N. T.,"

H. B. No. 54, "An act to locate a territorial road from Wyoming to Salt creek,"

H. B. No. 53, "An act to locate a territorial road from Nebraska city to Platte river;" and

H. B. No. 37, "An act to authorize John H. S. Grove and Charles F.

Putnam to run a ferry across the Missouri river at Ponka landing, Dakota county."

On motion,

The House now went into Committee of the Whole on the school bill,

Mr. Briggs in the Chair.

During the sitting of the committee, the Speaker took the Chair in order to receive the following message from the Council:

COUNCIL CHAMBER,
Oct. 26, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following namedbill,

And the concurrence of the House is requested therein:

C. B. No. 64, "A bill for an act to incorporate the Fremont Ferry Company."

C. B. No. 107, "A bill for an act to require justices of the peace to give bonds before entering upon the discharge of their official duties,"

C. B. No. 121, "An act to authorize Gardiner Powers, his associates and assigns, to establish and keep a ferry or bridge across the Platte river, at Louisville, Cass county, N. T.,"

C. B. No. 122, "A bill for an act to amend 'An act to incorporate the Platte Valley and Pacific Rail Road Company,'"

C. B. No. 123, "A bill for an act to amend an act entitled 'An act to incorporate the Florence Bridge Company,'"

And,

C. B. No. 128, "Joint resolution to compensate S. M. Curran for services rendered."

I also return you

H. B. No. 47, "A bill for an act to incorporate the town of West Point, in Cuming county,"

The same having passed the Council without amendment.

Also,

H. B. No. 20, "A bill for an act regulating ferries,"

The same having passed the Council with the following amendments, to wit:

In the fourth line of section four, strike out "of" and insert "to."

In the third line from the bottom of section four, after the word "kept," insert "a ferry."

In last line of section fourteen, strike out "the passage," and insert "the 31st day of December, 1858."

And the Council respectfully ask the concurrence of the House in the same.

S. M. CURRAN, Chief Clerk.

The House having resumed business,

Mr. Briggs, from Committee of the Whole,

Reported progress, and asked leave to sit again.

Mr. Kline presented an affidavit in relation to the county seat of Washington county.

On motion of Mr. Bramble,

The House adjourned at 5 o'clock and 10 minutes P. M.

WEDNESDAY, October 27, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

Mr. Daily gave notice of a bill to abolish slavery in the Territory of Nebraska and to prohibit its existence in the future.

Also,

Of a joint memorial and resolution praying Congress for a grant of ten sections of land for a Blind Asylum, and ten sections for a Deaf and Dumb Asylum, and ten sections for an Insane Asylum, and ten sections for a Territorial Prison, and ten sections for the future Capitol of the Territory, all to be located by commissioners appointed by the Legislature.

Mr. Rankin gave notice of a bill for an act calling a constitutional convention and providing for the election of delegates, preparatory to a state organization.

Mr. Rankin, on leave, introduced

H. B. No. 103 "A bill for an act to locate a territorial road from Peru to the Kansas line at or near Marysville, K. T."

Read a first and second time.

Mr. Seymour, on leave, introduced

H. B. No. 104, "An act to incorporate the Omaha City and Great Salt Lake Telegraph Company,"

Read first and second time and referred to same special committee to which was referred

H. B. No. 91, "An act to incorporate the Omaha City and Salt Lake Telegraph Company."

Mr. Kline gave notice of a bill to locate a territorial road from Florence, via Rockport, to Fort Calhoun.

Mr. Taffe, on leave, introduced

H. B. No. 105, "A bill for an act to change the name of Charley Sheppard to Charley Ford,"

Read first and second time.

Mr. Davis of Washington, presented statements and affidavits in relation to the county seat of Washington county.

Referred to special committee having that subject already under consideration.

Mr. Seymour from Committee on Agriculture to which was referred

H. B. No. 102, "A bill for an act to regulate inclosures and to provide against tresspassing animals,"

Reported the same back without recommendation.

Mr. Cooper moved to take up business on the Speaker's table.

Carried.

On motion,

The House went into Committee of the Whole for the consideration of H. B. No. 9, and C. B. No. 23, School Bills,

Mr. Daily in the Chair.

During the sitting of the committee the Speaker took the Chair, in order to receive the following message from the Council:

Council Chamber,
Oct. 27, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 26, "A bill for an act entitled an act making certain instruments of writing negotiable,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

The House having resumed business,

Mr. Daily, from Committee of the Whole, reported progress, and asked leave to sit again.

Mr. Mason moved that a select committee of five be appointed to investigate and inquire into the charge, that corrupt means have been used and bribes offered to members of this House, to induce them to support a certain bank bill, by persons outside of this House.

Mr. Rankin moved to postpone until Saturday next.

Lost.

The ayes and nays were now called on the motion for a committee.

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Cass, Davis of Washington, Daily, Doom, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Shields, Steele, Stewart, Taffe, Wattles, Young.—29.

Nays.—0.

Carried.

The following message from the Council was received:

Council Chamber,
Oct. 27, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 132, "An act to establish a Code of Civil Procedure,"

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Mason moved that

C. B. No. 132, "An act to establish a Code of Civil Procedure,"

Be read a first and second time by title, and referred to Committee on Judiciary.

Carried.

Bill so read and referred.

Mr. Collier, on leave, introduced

H. B. No. 106, "A bill for an act to locate a territorial road from Decatur to Columbus and Cleveland,"

Read first and second time, and referred to Committee on Roads.

Mr. Steele, on leave, introduced

H. B. No. 107, "A bill for an act to establish the county of Butler and locate the county seat thereof,"

Read first and second time, and referred to Committee on County Seats and County Boundaries.

Mr. Shields, on leave, introduced

H. B. No. 108, "Memorial and joint resolution relative to a mail route,"

Read first and second time, and referred to Committee on Federal Relations.

Mr. Hall, on leave, introduced

H. B. No. 109, "Memorial and joint resolution praying Congress to pass a special act for the relief of John B. and William Bennet,"

Read first and second time, and referred to Committee on Federal Relations.

The Chair announced the following named gentlemen, as composing the

Committee of Investigation—Messrs. Mason, Marquette, Stewart, Briggs and Clayes.

Mr. Collier moved that the Special Committee of Investigation shall have power to examine witnesses under oath, and full power to send for persons and papers.

Carried.

Mr. Clayes moved that the Sergeant-at-arms be instructed to attend upon the sittings of the Special Committee of Investigation, and obey their orders.

Carried.

On motion of Mr. Davis of Washington,

The House adjourned at 1½ o'clock P. M.

THURSDAY, October 28, 1858.

House met at the usual hour,

Prayer by the Chaplain.

Journal read and approved.

Mr. Davis of Cass moved to dispense with the usual call of the counties.

Carried.

Also,

To dispense with reports from committees.

Lost.

Mr. Kline, from special committee, to which was referred

H. B. No. 81, "An act to dissolve the bonds of matrimony between John N. Burton and Mary Burton,"

Reported the same back with substitute therefor, and recommended the passage of the substitute.

On motion,

The substitute was adopted,

Read first, second and third time, passed and title agreed to.

Mr. Taffe, from select committee, to which was referred

H. B. No. 22, "An act entitled an apportionment law,"

Reported the same back, with a substitute therefor, entitled "A bill for an act to apportion the members of the House of Representatives of the Territory of Nebraska,"

And recommended the passage of the substitute.

Mr. Gwyer moved that the bill be made the special order of the day for Monday next.

Lost.

Call of the House ordered.

Absent—Messrs. Briggs, Clayes, Collier, Daily, Marquette, Mason, Rankin, Steinberger and Stewart.

Mr. Doom moved that all further proceedings under call be dispensed with.

Carried.

Mr. Seymour moved that the report of committee and the bill be laid on the table.

Ayes and nays called,

Result as follows:

Ayes—Messrs. Bramble, Gwyer, Kline, Roeder, Seymour, Shields, Steele, Wattles.—8.

Nays—Messrs. Cassell, Clark, Cooper, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Noel, Ramsey, Taffe, Wasson, Young.—17.

Lost.

Question had on adopting substitute.

Carried,

Mr. Clark moved that the rules be suspended, and the bill read a first and second time.

Carried.

Mr. Gwyer moved that the bill be made a special order of the day for Saturday next.

Carried.

Mr. Davis of Cass moved to take up the Council bill in relation to the removal of county seats.

Lost.

Mr. De Puy, on leave, introduced

H. B. No. 110, "A bill for an act to authorize O. A. Hinebaugh and others to build a dam across Maple creek,"

Read first and second time, and referred to Committee on Corporations.

Mr. Fleming moved to take up the business on Speaker's table.

Carried.

H. B. No. 28, "A bill for an act to organize and define the boundaries and locate the county seat of Dixon county,"

Was read third time, passed and title agreed to.

Mr. Seymour moved that the House go into Committee of the Whole, on

H. B. No. 9, "A bill to establish the Common School System in the Territory of Nebraska."

Lost.

C. B. No. 128, "Joint resolution to compensate S. M. Curran for services rendered,"

Read first and second time, and referred to Committee on Accounts and expenditures.

The following message from the Executive was received:

EXECUTIVE OFFICE, Omaha,
Oct. 28, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body the following message, and return to you a bill for "An act to authorize M. Mahan, D. R. Robb and John G. Treadway, to keep and run a ferry across the Missouri river at Wyoming, in Otoe county, Nebraska Territory."

J. McCONIHE,
Private Secretary.

EXECUTIVE OFFICE, Omaha, N. T.,
October 28, 1858.

To the House of Representatives:

I return a bill for "An act to authorize M. Mahan, D. R. Robb and J. G. Treadway, to keep and run a ferry across the Missouri river, at Wyoming, Otoe county, Nebraska Territory," with my objections to the same.

The bill now before me authorizes M. Mahan, D. R. Robb and John G. Treadway, their associates, heirs and assigns, for the period of twenty years, to have the exclusive privilege of keeping a ferry on the Missouri river, at Wyoming. Their right, under this bill extends two miles up and down said river, from the mouth of the Weeping Water.

The Legislative Assembly, by an act approved Feb. 28, 1855, granted the right to Josiah Burget, his associates, heirs or assigns, to establish and keep a ferry across the Missouri river, at Wyoming, N. T., or any other practicable point on said river, within three miles either way from the centre of said town, for the period of ten years.

I do not question the power of the Legislative Assembly to confer the privilege of ferrying and crossing for toll at this point, but when they confer, as they do in this bill, the exclusive right, they restrict rights already accrued, and interfere with privileges that were granted to Josiah Burget, his associates and assigns. I can not therefore approve the bill.

W. A. RICHARDSON,
Governor, N. T.

C. B. No. 98, "A bill for an act to incorporate the Merchants' and Mechanics' Fire and Marine Insurance Company,"

Was read first and second time, and referred to Committee on Judiciary.

C. B. No. 107, "A bill for an act to require justices of the peace to give bond before entering upon the discharge of their official duties,".

Was read first and second time, and referred to same committee.

C. B. No. 42, "A bill for an act to amend an act entitled an act establishing the mode of locating and changing county seats,"

Was read first and second time.

Mr. Collier moved to refer the bill to a select committee of five.

Mr. Gwyer moved to refer the bill to Committee on County Seats and County Boundaries.

Lost.

Question on motion for a select committee.

Carried.

Committee—Messrs. Kline, Davis of Cass, Davis of Washington, Daily and Fleming.

H. B. No. 70, "A bill for an act to incorporate the Nebraska City Hydraulic and Gas Company,"

Was read third time, passed and title agreed to.

H. B. No. 68, "Joint resolution relative to adjournment,"

Read a first and second time, and referred to Committee on Judiciary.

H. B. No. 89, "An act to locate a territorial road from Brownville, in Nemaha county, to Kingston, in Johnson county,"

Read third time, passed and title agreed to.

C. B. No. 122, "A bill for an act to amend an act to incorporate the Platte Valley and Pacific Rail Road Company,"

Read first time.

C. B. No. 88, "A bill for an act to amend an act to incorporate Nebraska city,"

Read third time, passed and title agreed to.

C. B. No. 121, "An act to authorize Gardner Powers, his associates and assigns, to establish and keep a bridge or ferry across the Platte river at Louisville, in Cass county," Read first and second time, and referred to Committee on Corporations.

C. B. No. 100, "A bill for an act to locate and establish a territorial road from Peru, in Nemaha county, to the Kansas line in Richardson county, N. T.,"

Read first, second and third time, passed and title agreed to.

C. B. No. 105, "A bill for an act to restrain cattle, sheep, horses and swine from running at large in the counties of Platte and Monroe,"

Read first and second time, and referred to select committee of three, consisting of Messrs. De Puy, Seymour and Roeder.

C. B. No. 66, "A bill for an act to incorporate the town of Fremont, Dodge county, N. T.,"

Read third time, passed and title agreed to.

The following message from the Council was received:

Council Chamber,
Oct. 28, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 127, "An act to incorporate the Bon Homme City Town and Ferry Company,"

And the concurrence of the House is respectfully requested.

I have also to inform you that the Council have appointed Messrs. Furnas and Porter as a committee of conference, on the part of the Council, upon the homestead bill.

Also, that the Council has concurred in the amendments of the House to

C. B. No. 18, "An act authorizing private persons to sue out writs of *quo warranto and mandamus*."

S. M. CURRAN, Chief Clerk.

C. B. No. 26, "A bill for an act entitled an act making certain instruments of writing negotiable,"

Read first and second time and referred to Committee on Judiciary."

C. B. No. 104, "A bill for an act to fix the time for holding the district courts in the second judicial district,"

Read first and second time and referred to Committee on Judiciary.

C. B. No. 118, "A bill for an act to authorize Hueston Nuckolls, J. G. Lewis and Stephen Story, their associates and assigns to establish and keep a ferry across the Missouri river at Saint Stephens in Richardson county,"

Read first and second time and referred to same committee.

C. B. No. 64, "A bill for an act to incorporate the Fremont Ferry Company,"

Read first and second time and referred to Committee on Corporations.

C. B. No. 110, "A bill for act to locate and establish a territorial road from Saint Stephens in Richardson county to intersect the Military road from Fort Leavenworth to Fort Kearney," Read first and second time and referred to Committee on Roads.

C. B. No. 89, "An act to grant a ferry charter at the town of Hoobrah across the Missouri river,"

Read first and second time and referred to Committee on Corporations.

C. B. No. 109, "An act to amend an act to locate a territorial road in Cass county,"

Read first and second time and referred to Committee on Roads.

C. B. No. 98, "A bill for an act to establish a ferry opposite Strike-the-Rees Camp in Minnesota Territory,"

Read first and second time, and referred to Committee on Corporations.

C. B. No. 76, "An act to incorporate the Frankfort Town and Ferry Company,"

Read first and second time, and referred to Committee on Corporations.

C. B. No. 95, "A bill for an act to amend an act establishing a ferry at Nemaha city,"

Read first and second time, and referred to Committee on Corporations.

C. B. No. 123, "A bill for an act to amend an act entitled 'An act to incorporate the Florence Bridge Company,' "

Read first and second time, and referred to Committee on Corporations.

C. B. No. 138, "An act providing for the relocation of the county seat of Johnson county,"

Read first and second time.

Mr. Clark moved that the bill be read a third time, and put on its passage.

Mr. Daily moved that the bill be indefinitely postponed.

Carried.

C. B. No. 124, "A bill for an act for the relief of Levi Harsh, mayor of the city of Florence,"

Read first and second time, and referred to Committee on Judiciary.

H. B. No. 100, "A bill for an act to establish and keep a ferry on the Platte river, at Fort Kearney,"

Read first and second time.

Mr. Steele moved to amend section one, by striking out the word "ten" and inserting "five."

Carried.

Mr. Gwyer moved to refer the bill to a select committee of three.

Carried.

Committee—Messrs. Gwyer, Young and Steele.

C. B. No. 90, "A bill for an act to confirm the title of Francis Barker to certain real estate in Omaha city,"

Read first and second time, and referred to Committee on Judiciary.

C. B. No. 117, "A bill for an act to incorporate the town of St. Stephens, in Richardson county," Read first and second time, and referred to Committee on Corporations."

Mr. Hall, from Committee on Accounts and Expenditures, to which was referred

H. B. No. 98, "A bill for an act to compensate B. B. Thompson, L. Richardson, Wm. Dendy and F. S. Burtch, for services as clerks of code commissioners,"

Reported the same back, recommending the passage of the bill, with the correction of one name therein.

On motion,

Correction made.

On motion,

The bill was then referred to a select committee of five, consisting of Messrs. Hall, Clark, Daily, Seymour and Collier.

Mr. Hall, from Committee on Accounts and Expenditures, also reported

H. B. No. 101, "A bill for an act to remunerate James W. Van Nostrand, for services rendered the Committee on Judiciary of the House of Representatives of the Territory of Nebraska,"

Without amendment.

C. B. No. 36, "A bill for an act to remunerate code commissioners for services rendered,"

Read first and second time.

Mr. Seymour moved to refer to Committee on Accounts and Expenditures.

Lost.

On motion,

The bill was referred to same select committee, to which was referred H. B. No. 98.

C. B. No. 101, "An act to lay out and establish a territorial road from Aspinwall, in Nemaha county, to Pawnee city, in Pawnee county,"

Read first and second time, and referred to Committee on Corporations.

C. B. No. 73, "An act to establish the county of Ponca,"

Was now taken up.

Mr. Taffe moved the indefinite postponement of the bill.

Carried.

Mr. Collier offered the following resolution, which was adopted:

Resolved, That the Speaker and members of the House, are privileged from arrest or attachment while in the House, and while the House is in session."

Mr. Collier moved that the Sergeant-at-arms be directed to prevent any officer from entering the House with a purpose to attach or arrest the Speaker or any member of the House, while the House is in session."

Carried.

H. B. No. 72, "A bill for an act to establish a territorial road from Florence to the bridge on the Little Pappillion,"

Was ordered engrossed,

Also,

H. B. No. 78, "A bill for an act to incorporate the town of Pawnee city,"

H. B. No. 83, "A bill for an act to more particularly define and settle the boundaries of Nemaha county,"

Read third time, passed and title agreed to.

C. B. No. 111, "A bill for an act to legalize the rail road election of Douglas county, held July 16, 1857,"

Posponed until Monday next.

H. B. No. 62, "An act to establish a territorial road from Bellevue, via Hazleton, in Sarpy county, to Elkhorn city, in Douglas county,"

Read third time, passed and title agreed to.

H. B. No. 92, "A bill for an act to locate a territorial road from Omaha city, via Hazleton, to Forest city, in Sarpy county,"

Read third time, passed and title agreed to.

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others to keep a ferry across the Missouri river,"

Read third time, passed and title agreed to.

H. B. No. 71, "A bill for an act to amend an act relating to the observance of the sabbath, and the protection of religious worship,"

Ordered engrossed.

H. B. No. 69, "A bill for an act to incorporate the city of Rulo,"

Read third time, passed and title agreed to.

H. B. No. 63, "An act to incorporate the Missouri and Columbia River Rail Road Company,"

Read third time, and

On motion,

Referred to a select committee of three, consisting of Messrs. Seymour, Daily and Gwyer.

Mr. Daily moved to adjourn.

Lost.

C. B. No. 67, "A bill for an act to incorporate the Nemaha Valley Insurance Company,"

Read third time, passed and title agreed to.

H. B. No. 103, "A bill for an act to locate a territorial road from Peru to the Kansas line, at or near Marysville, K. T.,"

Read third time, passed and title agreed to.

H. B. No. 105, "A bill for an act to change the name of Charley Sheppard to Charley Ford."

Ordered engrossed.

H. B. No. 80, "A bill for an act to establish a territorial road from Cuming city landing, Washington county, to Fontenelle, Dodge county,"

Read third time, passed and title agreed to.

H. B. No. 67, "An act to organize the county of Hall, to define the boundaries and locate the county seat thereof,"

Read third time, passed and title agreed to.

H. B. No. 84, "A bill for an act to locate a territorial road from Ionia, Dixon county, to Fontenelle, Dodge county,"

Ordered engrossed.

H. B. No. 94, "An act to locate a territorial road from the city of Elkhorn to the Pappillion creek, at McArdle's,"

Read third time, passed and title agreed to.

H. B. No. 36, "A bill for an act to incorporate the Ionia Town and Ferry Company,"

Referred to a special committee of two, consisting of Messrs. Bramble and Taffe.

Mr. Gwyer moved that a committee of conference be appointed to confer with a similar committee from the Council, on the consideration of the homestead bill.

Carried.

Committee—Messrs. Gwyer, Seymour and Steele.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported House Bills Nos. 50 and 82 as correctly engrossed.

H. B. No. 87, "A bill for an act to establish a territorial road from Omaha, in Douglas county, to Fontenelle, in Dodge county,"

Read third time, passed and title agreed to.

Mr. Bramble gave notice of a bill to provide for the holding of district courts in the counties of Dixon and L'eau-qui-Court.

Also, of a bill to repeal the charter of the Wildcat banks of Nebraska.

On motion of Mr. Daily,

The House adjourned at 2 o'clock P. M.

FRIDAY, October 29, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stewart in the Chair.

Call of the House ordered:

Absent—Messrs. De Puy and Bennet.

Mr. Clayes moved to dispense with further proceedings under call.

Mr. Daily moved to dispatch the Sergeant-at-arms for absentees.

Ayes and nays called, on the motion to dispense with all further proceedings under call:

Ayes—Messrs. Bramble, Clark, Clayes, Collier, Cooper, Doom, De Puy, Fleming, Gwyer, Hall, Mason, Ramsey, Rankin, Steele, Steinberger, Wasson.—16.

Nays—Messrs. Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, Dean, Kline, Lee, Marquette, Noel, Roeder, Seymour, Shields, Stewart, Taffe, Wattles, Young.—17.

Lost.

Mr. Kline moved to reconsider.

Ayes and nays called:

Ayes—Messrs. Bramble Clark, Clayes, Collier, Cooper, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Mason, Ramsey, Rankin, Steele, Steinberger, Wasson.—17.

Nays—Messrs. Briggs, Cassell, Davis of Cass, Davis of Washington, Daily, Dean, Lee, Marquette, Noel, Roeder, Seymour, Shields, Taffe, Wattles, Young.—15.

Carried.

Question recurred on motion to dispense with further proceedings under call.

Ayes and nays called:

Ayes—Messrs. Bramble, Cassell, Clark, Clayes, Collier, Cooper, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Lee, Mason, Ramsey, Rankin, Steele, Steinberger, Wasson.—19.

Nays—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, Dean, Marquette, Noel, Roeder, Seymour, Shields, Taffe, Wattles, Young.—13.

Carried.

Mr. Mason gave notice of a bill for an act to amend an act to incorporate the city of Wyoming,"

Also,

"A bill for an act to incorporate the Wyoming College."

Mr. Rankin presented the petition of Henry Elliot and others, asking for a charter for a ferry and bridge company.

Mr. Rankin also introduced

H. B. No. 111, "An act to incorporate the Blue Springs Bridge and Ferry Company,"

Which was read first and second time by title, and referred to Committee on Corporations."

Mr. Clayes moved that Mr. Stewart be declared elected Speaker pro tem., during all temporary absences of the Speaker.

Carried.

Mr. Fleming, from Committee on Federal Relations, to which was referred

H. B. No. 108, "Memorial and joint resolution, relative to a mail route,"

Reported the same back without amendment, and recommended its passage.

Mr. Rankin, from Committee on Roads, to which were referred

Council Bills Nos. 109, 110, 101, and H. B. No. 106, bills for territorial roads,

Reported the same back without amendment, and recommend their passage.

Mr. Bramble, from special committee, to which was referred

H. B. No. 36, "A bill for an act to incorporate the Ionia Town and Ferry Company,"

Reported the same back with an amendment, and recommended its passage.

Mr. Mason, from special committee to which was referred

H. B. No. 97, "A bill for an act concerning commission merchants,"

Made a majority report, and recommended that the bill do pass.

Mr. Collier, from same committee, made a minority report, and recommended that the bill do not pass.

The bill being now before the House,

Mr. Steinberger moved to amend as follows:

In section one, first line, strike out "thirty days," and insert "six months."

Mr. Gwyer moved the indefinite postponement of the bill.

Mr. Briggs moved that the bill be postponed until to-morrow.

Lost.

Ayes and nays now called, on the motion to postpone indefinitely:

Ayes—Messrs. Collier, Cooper, Doom, Gwyer, Kline, Shields, Steinberger, Young.—8.

Nays—Messrs. Briggs, Cassell, Clark, Clayes, Davis of Washington, Dean, De Puy, Hall, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Steele, Wasson, Wattles.—18.

Lost.

Mr. Clark moved to refer the bill to a select committee of three.

Mr. Steinberger moved to refer to Committee on Judiciary.

Carried.

Mr. Hall, from Committee on accounts and Expenditures, to which was referred

C. B. No. 128, "Joint resolution to compensate S. M. Curran for services rendered,"

Reported same back without amendment, and recommended its passage.

Mr. Noel from Committee on Engrossing and Enrolling Bills reported that he had this day laid before his excellency the Governor for his approval or rejection

"An act for the regulation of county jails." "An act to establish a terrritorial road from Bellevue to Forest city in Sarpy county." "An act to incorporate the city of Beatrice," and "An act to incorporate the town of West Point in Cuming county."

The following message from his excellency the Governor was received:

Executive Department,
Oct. 29, 1858.

To the House of Representatives:
Mr. Speaker:

The Governor instructs me to announce to your honorable body that he has signed and approved

"An act to incorporate the city of Beatrice." "An act for the regulation of county jails." "An act to establish a territorial road from Bellevue to Forest city in Sarpy county." "An act to incorporate the town of West Point Cuming county."

J. McCONIHE,
Private Secretary.

C. B. No. 128, "Joint resolution to compensate S. M. Curran for services rendered,"

Was now taken up.

Mr. Young moved that the bill be recommitted to a special committee of three, and that they be instructed to report the amount of time necessarily spent by Mr. Curran in performing the work for which remuneration is claimed, and also the amount of expense incurred by him in payment for proof reading, &c.

Lost.

Mr. Mason moved that the bill be read third time and put on its passage.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, Gwyer, Hall, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Shields, Steele, Steinberger, Wasson, Wattles, Young.—25.

Nays—Messrs. Clayes, Cooper, Seymour.—3.

Carried.

The bill was now read third time, passed and title agreed to.

Mr. Kline, on leave, introduced

H. B. No. 112, "An act to locate a territorial road from Florence, via Rock Port, to Fort Calhoun,"

Read first and second time, and referred to special committee of three, consisting of Messrs. Kline, Steele and Bramble.

Mr. Daily, from Committee on Ways and Means, to which was referred

C. B. No. 58, "An act to remunerate W. S. Walker for copying the Criminal Code,"

Reported the same back without amendment, and recommended its passage.

The bill was now read third time, and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Clayes, Collier, Cooper, Davis of Washington, Daily, Dean, Doom, De Puy, Gwyer, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wasson, Wattles, Young.—29.

Nays—Mr. Davis of Cass.

Carried.

Bill passed and title agreed to.

Mr. Steinberger moved that the Committee on Banks and Currency, to which was referred

"A bill for the repeal of certain bank charters,"

Be requested to report the same back on to-morrow morning.

Carried.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported

House Bills Nos. 105, 71, 84 and 78,

As correctly engrossed.

Mr. Daily, from special committee, to which was referred

H. B. No. 74, "A bill for an act to relocate the seat of justice of Washington county,"

Submitted the following majority report:

The select committee, to whom was referred

H. B. No. 74, "An act to relocate the seat of justice of Washington county,"

Together with the petitions and affidavits concerning the same, have had the same under consideration, and a majority of your committee report back the bill and recommend its passage, with a provision incorporated in the bill, giving to the people of Washington county the privilege of holding a special election, on a petition of the majority of the legal voters of said county, at any time within fifteen days after such petition.

It is with much reluctance that your committee recommend legislative interference in local affairs, but in this case the present county seat has been fixed by the Legislature, where your committee think, from the petitions, affidavits, &c., a majority of the people do not wish it, and by the change which the bill proposes, we think from the evidence before us, is in accordance with the popular will, still your committee confess that it is not without doubt that they arrive at this conclusion.

WM. C. FLEMING,
M. F. CLARK,
S. G. DAILY,
Committee.

Mr. Rankin, from minority of same committee, reported verbally, recommending that the whole subject matter be postponed until Wednesday next.

Mr. Young moved to adopt the majority report.

Mr. Wattles gave notice of a bill to establish a ferry across the Platte river, at or near the mouth of Salt creek.

Mr. Clayes moved to adjourn.

Lost.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported

H. B. No. 6, "A bill to provide for the valuation and assessment of the real and personal property, and for the levying of taxes in the Territory of Nebraska,"

As correctly engrossed.

Mr. De Puy, from select committee, to which was referred

C. B. No. 105, "A bill for an act to restrain cattle, sheep, horses and swine from running at large in the counties of Platte and Monroe,"

Reported the same back with sundry amendments, and recommended its passage.

On motion,

The amendments were adopted.

The bill was then read third time, passed and title agreed to.

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska,"

Was now read third time by title.

Mr. Gwyer asked that this protest against a portion of section thirty-one of the bill might be entered at large upon the journals, which being denied, he asked to be excused from voting on its passage.

Granted.

The ayes and nays were now called, on the passage of the bill:

Ayes—Messrs. Bramble, Briggs, Cassell, Clark, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Seymour, Shields, Steele, Steinberger, Stewart, Wattles, Young.—25.

Nays—Messrs. Cooper, Kline, Taffe.—3.

Carried.

Bill passed and title agreed to.

Mr. Mason, from Committee on Judiciary, made the following report:

Your Committee on Judiciary, having had under consideration that portion of the Governor's message relating to a Criminal and Civil Code for the Territory of Nebraska, and for the purpose of providing for juries to carry into effect the Civil and Criminal Law, beg leave to submit the accompanying bill: "A bill for an act respecting juries,"

And recommend its passage.

Your committee would suggest, that there is a necessity for the immediate action of the House upon this bill, as the necessities of the country and people imperatively demand that some action be taken to provide a jury law.

MASON,
STEELE,
COLLIER,
STEWART,
MARQUETTE.

Accompanying the above report came

H. B. No. 113, "A bill for an act respecting juries,"

Which was read first, second and third time, passed and title agreed to.

Consideration of

H. B. No. 74, " A bill for an act to re-locate the seat of justice of Washington county," Was now resumed on the motion to adopt the majority report on the same,

Pending which,

The House adjourned at 4 o'clock P. M.

SATURDAY, October 30, 1858.

House met at the usual hour.

Journal read and approved.

The following communication from Hon. J. Sterling Morton, Secretary of the Territory, was received:

SECRETARY'S OFFICE, Omaha City,
October 28, 1858.

Gentlemen of the House of Representatives:

At the instance of several of the members of your honorable body, I have the honor to transmit herewith, for your consideration, the letter of Hon. Wm. Medill, in relation to your *per diem, &c.:*

WASHINGTON CITY,
Oct. 18, 1858.

* * * * If the convened session, which met on the 4th instant, shall adjourn at the end of forty days from the commencement of the called or extraordinary session, thus constituting the two one continued session of that number of days, the entire per diem and mileage may be paid to the members and per diem to the officers; but if the session which convened on the 4th instant shall, of itself, continue forty days in addition to the thirteen occupied by that which was called by the Governor, then you will pay the per diem and mileage of the regular or convened session only, and take no notice of the extraordinary session, leaving their compensation for the determination of Congress.

It is stated in the dispatch to you, that "no constructive mileage can be recognized," and this is considered but just as the Assembly at the extra session stood adjourned on the 3d, to meet on the 4th of October, instant, with the same officers of the Council and House, and, indeed, had any election been held on the 4th for a new set of officers, I apprehend the department could not have allowed "constructive mileage" without an act of Congress authorizing it to be paid.

Very respectfully, yours,
(Signed), WILLIAM MEDILL,
Comptroller.

The above is the latest instruction that I have from the department upon this subject, and it will therefore control me.

I am, gentlemen,
Very respectfully,
Your obedient servant,
(Signed), J. STERLING MORTON,
Secretary of Nebraska.

Mr. Wasson, on leave, introduced

H. B. No. 114, "An act to amend an act to incorporate the city of Wyoming."

On motion of Mr. Wasson,

The rules were suspended, and the bill read first, second and third time, passed and title agreed to.

Mr. Briggs, on leave, introduced

H. B. No. 115, "A bill for an act relative to the privilege of the members of the Legislative Assembly,"

Read first and second time, and referred to Committee on Judiciary.

Mr. Rankin presented the affidavit of A. S. Paddock, relative to the removal of the county seat of Washington county.

Mr. Mason, from Committee on Judicary, reported

C. B. No. 107, "A bill for an act to require justices of the peace to give bonds before entering upon the discharge of their official duties."

With amendments, and recommended its passage, as amended.

Also,

C. B. No. 90, "A bill for an act to confirm the title of Francis Barker to certain real estate in the city af Omaha,"

Without amendment, and recommended its passage.

Also,

C. B. No. 104, "A bill for an act to fix the times of holding the district courts in the second judicial district,"

Also,

H. B. No. 79, "An act regulating the disposal of unclaimed property in certain cases,"

Also,

H. B. No. 95, "An act to prevent trespassing on timber lands,"

With amendment, and recommended its passage as amended.

Mr. Gwyer, from special committee to which was referred

H. B. No. 100, "A bill for an act to establish and keep a ferry on the Platte river, at Fort Kearney,"

Reported the same back with an amendment, and recommended its passage.

Mr. Gwyer, from Committee on Library, to which was referred

H. B. No. 99, "A bill for an act to prevent the taking away of books, laws, records and other documents from the Territorial Library,"

Reported the same beck to the House, with amendments, and recommended its passage.

Mr. Kline, from special committee, to which was referred

H. B. No. 112, "An act to locate a territorial road from Florence, via

Rockport, to Fort Calhoun,"

Reported the same back without amendment, and recommended its passage.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 30, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following named bills, to wit:

C. B. No. 92, "A bill for an act to legalize the assessment of taxes in the Territory of Nebraska, and to amend the revenue law,"

C. B. No. 134, "A bill for an act to authorize the appointment of county commissioners in Platte county,"

C. B. No. 129, "A bill for an act to amend an act entitled an act to locate a territorial road from Plattsmouth to New Fort Kearney, via the cities of Parallel and Salina,"

C. B. No. 126, "A bill for an act to authorize Charles Martin and others to establish and keep a ferry at Rulo, Richardson county," and

C. B. No. 25, "A bill for an act to authorize justices of the peace to administer oaths, and to regulate their fees,"

And the concurrence of the House is respectfully requested.

I have also to inform you, that the Council has concurred in the amendments of the House to the following bills:

C. B. No. 67, "A bill for an act to incorporate the Nemaha Valley Insurance Company," and

C. B. No. 75, "An act to authorize H. C. Crawford, A. A. Patridge and others to keep a ferry across the Missouri river."

S. M. CURRAN, Chief Clerk.

Mr. Gwyer, on leave, introduced

H. B. No. 116, "An act to authorize the Treasurer of the Territory to purchase a safe for territorial purposes,"

Read first and second time, and referred to Committee on Accounts and Expenditures, with instructions to report on Monday morning.

Mr. Davis of Washington, from Committee on County Seats and County Boundaries, to which was referred

H. B. No. 107, "A bill for an act to establish the county of Butler, and locate the county seat thereof,"

Reported the same back with a substitute therefor, and recommended the passage of the substitute.

Mr. Hall, from special committee, to which were referred

C. B. No. 36, "A bill for an act to remunerate code commissioners for services rendered," and

H. B. No. 98, "A bill for an act to compensate B. B. Thompson, L. Richardson, Wm. Dendy and S. F. Burtch, for services as clerks of code commissioners,"

Reported the same back without amendment.

On motion of Mr. Mason,

The same bills were then referred to Committee on Judiciary.

Mr. Doom moved to take up business on the Speaker's table and orders of the day.

Carried.

H. B. No. 74, "A bill for an act to relocate the seat of justice of Washington county,"

Was now taken up, on the motion to adopt the majority report on the same, that being the unfinished business of yesterday.

Mr. Mason moved the previous question.

Mr. Cooper moved a call of the House:

Absent—Messrs. Fleming, Roeder, Seymour and Steinberger.

On motion of Mr. Clark,

All further proceedings under call were dispensed with.

The motion for the previous question was now sustained, and

The main question ordered.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Cassell, Clark, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Gwyer, Hall, Lee, Mason, Noel, Ramsey, Shields, Steele, Wasson, Wattles, Young.—19.

Nays—Messrs. Briggs, Clayes, Collier, Cooper, Doom, Kline, Rankin, Stewart, Taffe.—9.

Carried.

Mr. Davis of Washington moved that the bill be now read a third time and put on its passage and on this moved the previous question,

Which was sustained and the main question ordered,

On which the ayes and nays were had:

Ayes—Messrs. Bramble, Cassell, Clark, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Hall, Lee, Mason, Noel, Shields, Wasson, Wattles, Young.—16.

Nays—Messrs. Briggs, Clayes, Cooper, Doom, Gwyer, Kline, Rankin, Seymour, Steele, Stewart, Taffe.—11.

Carried.

The bill was now read a third time and put on its passage.

On which the ayes and nays were had:

Ayes—Messrs. Bramble, Cassell, Clark, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Gwyer, Hall, Lee, Mason, Noel, Shields, Steele, Wasson, Wattles, Young.—18.

Nays—Messrs. Briggs, Clays, Cooper, Doom, Kline, Rankin, Seymour, Stewart, Taffe—9.

Carried.

Bill passed and title agreed to.

Mr. Stewart, from Committee on Corporations, submitted the following report:

Your committee, to whom were referred House Bills Nos. 111, 110 and 86, also Council Bills Nos. 64, 76, 95, 123, 121, 89, 99 and 117, having had the same under consideration, beg leave to report the same back and recommend their passage without amendment.

STEWART,
DAVIS of Cass,
RAMSEY,
KLINE,
BRAMBLE.

Mr. Steele, on leave, introduced

H. B. No. 117, "Joint resolution and memorial, asking for an appropriation to construct a bridge over the Loup Fork river,"

Also,

H. B. No. 118, "Joint resolution and memorial, asking for an appropriation to construct a bridge over the Platte river."

Mr. Mason, on leave, introduced

H. B. No. 119, "Joint resolution for the payment of the code commissioners of 1855, and their clerks,"

Read a first and second time, and ordered engrossed for a third reading.

Mr. Cooper, on leave, introduced

H. B. No. 120, "Memorial and joint resolution, asking for a grant of land to build the Lewis and Clark College,"

Read first and second time, and referred to a select committee of three, consisting of Messrs. Cooper, De Puy and Wattles.

Mr. De Puy, on leave, introduced

H. B. No. 121, "A bill for an act to define the boundaries between Washington and Dodge counties,"

Read first and second time, and referred to a special committee, consisting of Mrs. De Puy, Davis of Washington, Kline and Cooper.

Mr. De Puy, on leave, also introduced

H. B. No. 122, "A bill for an act to incorporate the Columbus Ferry Company,"

Read first and second time, and referred to Committee on Corporations.

H. B. No. 22, "A bill for an act to apportion the members of the House of Representatives of the Territory of Nebraska,"

Being the special order of the day,

Was now taken up.

Mr. Marquette moved that the bill be read third time, and put on its passage.

Mr. Rankin moved that the House now go into Committee of the Whole for the consideration of the bill.

Mr. Gwyer moved to adjourn,

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Clayes, Cooper, Gwyer, Kline, Ramsey, Rankin, Roeder, Shields, Steele, Steinberger, Wattles.—12.

Nays—Messrs. Bramble, Cassell, Clark, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Hall, Lee, Marquette, Mason, Noel, Seymour, Stewart, Taffe, Wasson, Young.—20.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 30, 1858.

Mr. Speaker;

I am instructed to inform your honorable body, that the following named House Bills have passed the Council without amendment:

H. B. No. 113, "A bill for an act respecting juries,"

H. B. No. 83, "A bill for an act to more particularly define and settle the boundaries of Nemaha county," and

H. B. No. 46, "An act to consolidate the towns of Rock Bluffs and North Rock Bluffs, and to incorporate Rock Bluff city."

I also return you

H. B. No. 70, "A bill for an act to incorporate the Nebraska City Hydraulic and Gas Company,"

The same having passed the Council, with the amendments thereto attached,

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Rankin now moved that the motion to go into Committee of the Whole, and the whole subject matter be laid on the table.

Ayes and nays called:

Ayes—Messrs. Briggs, Clayes, Cooper, Gwyer, Kline, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—13.

Nays—Messrs. Bramble, Cassell, Clark, Collier, Davis of Cass, Daily, Dean, Doom, De Puy, Hall, Lee, Marquette, Mason, Noel, Ramsey, Taffe, Wasson, Young.—18.

Lost.

Mr. Clayes moved that the House adjourn until 2 o'clock P. M.

Lost.

The ayes and nays were now called, on the motion to go into Committee of the Whole:

Ayes—Messrs. Briggs, Clayes, Collier, Cooper, De Puy, Gwyer, Kline, Ramsey, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—16.

Nays—Messrs. Bramble, Cassell, Clark, Davis of Cass, Daily, Dean, Doom, Hall, Lee, Marquette, Mason, Noel, Taffe, Wasson, Young, Speaker.—16.

Lost.

Mr. Gwyer moved to adjourn.

Lost.

Mr. Rankin moved that further consideration of the bill till Tuesday next and that the bill be printed.

The following message from the Council was received:

COUNCIL CHAMBER,
Oct. 30, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 6, "A bill for an act to provide for the valuation and assessment of the real and personal property and for the levying and collection of taxes in the Territory of Nebraska,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Clark moved to lay the motion to postpone on the table.

Mr. Gwyer moved a call of the House.

Ayes and nays called:

Ayes—Messrs. Briggs, Clayes, Collier, Cooper, Davis of Washington, Gwyer, Kline, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—15.

Nays—Messrs. Bramble, Cassell, Clark, Davis of Cass, Daily, Dean, Doom, De Puy, Hall, Lee, Marquette, Mason, Noel, Ramsey, Taffe, Wasson, Young.—17.

Lost.

Mr. Gwyer moved to adjourn.

Lost.

Mr. Gwyer moved to refer the bill to a select committee of five, with instructions to report at 10 o'clock Monday morning.

Mr. Cooper moved to amend by referring to select committee of seven.

Carried.

Motion as amended,

Carried.

Committee—Messrs. Gwyer, Doom, Bramble, Davis of Washington, Wattles, De Puy and Daily.

Mr. Clark obtained leave of absence.

Messrs. Taffe and Cooper also obtained leave of absence for next week.

Mr. Daily moved to adjourn.

Lost.

On motion of Mr. Hall,

The House now took a recess until three o'clock P. M.

3 o'clock P. M.

House called to order.

Call of the House.

Absent—Messrs. Cassell, Daily, Davis of Washington, Dean, Fleming, Kline, Mason, Rankin, Seymour, Shields and Stewart.

On motion of Mr. Doom,

Further proceedings under call were dispensed with.

Mr. Kline, from special committee, to which was referred

C. B. No. 42, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,'"

Reported the same back, and recommended its passage.

Mr. Daily, from same committee, asked further time to report, which was granted.

Mr. Wattles obtained leave of absence, and

Mr. Rankin was appointed in place of Mr. Wattles on select committee on apportionment bill.

H. B. No. 9, "A bill for an act to establish a common school system in the Territory of Nebraska,"

Was now taken up.

Mr. Gwyer moved that section thirty-nine be amended by inserting the word "white" before the word "youth," in second line.

Ayes and nays called:

Ayes—Messrs. Bramble, Briggs, Collier, Cooper, Davis of Cass, Daily, Doom, Gwyer, Hall, Kline, Marquette, Mason, Noel, Rankin, Steele, Steinberger, Young.—17.

Nays—Messrs. Cassell, De Puy, Lee, Roeder, Seymour, Stewart, Taffe, Wasson.—8.

Carried.

The following message from the Council was received:

Council Chamber,
Oct. 30, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 136, "Joint resolution granting pay to Justin Davis for certain service," and

C. B. No. 137, "Joint resolution to pay E. S. Dundy mileage and per diem,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Young moved to amend section 39, by striking out the word "three," in second line and inserting "two."

Carried.

On motion of the same gentleman

Same section was amended by striking out the words "Library Fund," in third line.

Mr. Collier moved that the House go into Committee of the Whole for the further consideration of the bill.

Carried.

And the House went into Committee of the Whole, Mr. Collier in the Chair.

While in committee the Speaker took the Chair in order to receive the following message from the Council:

Council Chamber,
Oct. 30, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed the following named bills, and the concurrence of the House is respectfully requested therein:

C. B. No 139, " A bill for an act to incorporate the town of Parkersburgh."

C. B. No. 94, " An act to provide for repairing the Military road at the Elkhorn bridge."

C. B. No. 131, " Joint resolution relative to School lands."

C. B. No. 103, " A bill for an act to amend an act entitled a bill to incorporate the city of Omaha."

C. B. No. 45, " A bill for an act to amend an act entitled, " Justices' Courts."

C. B. No. 108, " An act to leagalize the acts of certain commissioners of deeds and for other purposes."

C. B. No. 135, " An act to incorporate the city of Fort Calhoun, Nebraska.

C. B. No. 97, " An act to incorporate the Fort Calhoun and Iowa Ferry Company."

C. B. No. 116, " An act to dissolve the bonds of matrimony between James B. Hickman and Salina H. Hickman."

I also report to your honorable body

H. B. No. 69, " A bill for an act to incorporate the city of Rulo."

H. B. No. 80, " A bill for an act to establish a territorial road from Cuming city landing, Washington county, to Fontenelle, Dodge county."

H. B. No. 28, "A bill for an act to organize and define the boundaries and locate the county seat of Dixon county,"

H. B. No. 12, "A bill to authorize certain officers to administer oaths and affirmations,"

H. B. No. 62, "An act to establish a territorial road from Bellevue, via Hazleton, in Sarpy county, to Elkhorn city, in Douglas county,"

H. B. No. 87, "A bill for an act to establish a territorial road from Omaha city, Douglas county, to Fontenelle, in Dodge county,"

H. B. No. 103, " A bill for an act to locate a territorial road from Peru, to the Kansas line, at or near Marysville, K. T.,"

H. B. No. 94, " An act to locate a territorial road from the city of Elkhorn to the Pappillion creek, at McArdle's,"

H. B. No. 89, "An act to locate a territorial road from Brownville, in Nemaha county, to Kingston, in Johnston county,"

H. B. No. 92, " A bill for an act to locate a territorial road from Omaha city, via Hazleton, to Forest city, in Sarpy county,"

H. B. No. 45, "A bill to authorize Thomas Patterson to erect a mill dam across Rock creek," and

H. B. No. 66, "A bill for an act to incorporate the town of Freemont, Dodge county, N. T.,"

The same having passed the Council without amendment.

I have also to inform you that the Council has concurred in the amendments of the House to

C. B. No. 105, "A bill for an act to restrain cattle, sheep, horses and swine from running at large in the counties of Platte and Monroe."

S. M. CURRAN, Chief Clerk.

The House having resumed business,

Mr. Collier, from Committee of the Whole, reported

H. B. No. 9, "A bill for an act to establish the common school system in the Territory of Nebraska,"

With sundry amendments thereto, and recommended its passage.

On motion,

The amendments were adopted, and the bill ordered engrossed for a third reading.

Mr. Rankin, on leave, introduced

H. B. No. 123, " Joint resolution to elect a public printer,"

C. B. No. 104, "A bill for an act to fix the times for holding the district courts for the second judicial districts,"

Read third time, passed and title agreed to.

C. B. No. 107, "A bill for an act to require justices of the peace to give bonds before entering upon the discharge of their official business,"

Was now taken up.

On motion,

The amendment reported by the Committee on Judiciary was adopted.

The bill was then read third time, passed and title agreed to.

Mr. Lee offered the following resolution:

Resolved, That the Engrossing Clerk be authorized such help as he may need, so that all bills may be engrossed and returned to this House with the least possible delay."

Adopted.

C. B. No. 77, "A bill for an act to amend an act entitled 'Elections,' approved January 26, 1856,"

Was now taken up.

Mr. Briggs moved to postpone indefinitely.

Mr. Rankin moved to lay the motion to postpone on the table.

Ayes and nays called:

Ayes—Messrs. Cassell, Cooper, Daily, Dean, Hall, Kline, Lee, Rankin.—8.

Nays—Messrs. Bramble, Briggs, Davis of Cass, Doom, De Puy, Gwyer, Marquette, Mason, Noel, Ramsey, Roeder, Seymour, Stewart, Taffe, Young.—15.

Lost.

Mr. Daily now moved to refer the bill to a select committee of three.

Carried.

Committee—Messrs. Daily, Mason and Gwyer.

Mr. Davis of Washington being absent, Mr. Kline was substituted for him on the select committee, to which which was referred the "apportionment bill."

Mr. De Puy, from Committee on Banks and Currency, to which was referred

H. B. No. 30, "An act to repeal certain acts of the Legislative Assembly of Nebraska Territory,"

Reported the same back without recommendation.

Mr. Marquette, on leave, introduced

H. B. No. 124, "Joint resolution relative to Engrossing and Enrolling Clerks,"

Read first and second time, and referred to Committee on Accounts and Expenditures.

Mr. Stewart, on leave introduced

H. B. No. 125, "A bill for an act to provide for the copying, indexing and proof reading of the journals and laws, passed at the extra and regular sessions of the Legislature of Nebraska, during the year 1858,"

Read first and second time, and referred to same committee.

Mr. Mason, from select committee, to which was referred the protest of Messrs. Gwyer and others, submitted the following majority report:

Your select committee, to which was referred the matter of the protest of Messrs. Collier, Gwyer, Clayes and Clark, beg leave to submit to the House the following brief report, to wit:

That in their opinion, after a careful examination of the minutes, as well as the Journal of the House on the 21st inst., the journal does contain a truthful history of the proceedings on that day.

That it does not, and ought not to contain motions which were made and upon which points of order were raised, but which said motions were, by consent of the House, withdrawn.

Nor need it contain those points of order, as the same were withdrawn from the House, with the withdrawal of the motions upon which they were made.

Your committee would further say, that the most intense excitement prevailed in the House on that day, and that it is not at all strange that there should exist a misunderstanding as to what occurred during that excitement. Hence the protest.

And your committee will only add, that, in their opinion, it would not be improper to place the said protest, together with this report, upon the journals of the day, and would therefore recommend that the same be done.

All of which is respectfully submitted,

O. P. MASON,
J. H. SEYMOUR.

On motion,

Consideration of the report was postponed until Monday next.

On motion of Mr. Seymour.

The House adjourned at 5¼ o'clock P. M.

MONDAY, November 1, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Rankin asked leave to withdraw his signature from the report made yesterday, on the protest of Messrs. Gwyer and others.

On motion of Mr. Mason,

Leave was granted.

Mr. Kline moved as follows:

That the Clerk be instructed to present the following statement to the Council, to wit:

There was a remonstrance, signed by one hundred and seventy-two citizens of Washington county, praying the Legislature not to pass any special act to locate the county seat of said Washington county at Desoto, which said remonstrance were mislaid and lost from the papers, and did not accompany the papers transmitted to the Council.

Carried.

Mr. Briggs gave notice of a bill entitled "An act to confirm the title of H. H. Vischer, Wm. F. Sweezey and J. J. and R. A. Brown, Jr., to certain real estate in the city of Omaha, N. T."

Mr. Bramble, on leave, introduced

H. B. No. 126, "A bill for an act to provide for the holding of district courts in the counties of Dixon, Cedar and L'eau-qui-Court,"

Read first and second time, and referred to Committee on Judiciary.

Mr. De Puy, on leave, introduced

H. B. No. 127, "Joint resolution for an appropriation to pay the expenses of the extra session,"

Read first, second and third time, passed and title agreed to.

Mr. Mason, from Committee on Judiciary, to which was referred

C. B. No. 132, "An act to establish a Code of Civil Procedure,"

Submitted the following report:

Your committee, to whom was referred "An act to establish a Code of Criminal Procedure," having had the same under consideration, report the same back to the House with the following amendments, and recommend that it do pass:

In section three hundred and thirty-two, in line seven of said section, after the word "served" insert "by any person not a party to the action."

After the word "constable," in line eight of the same section, insert "But when served by any other person than a public officer."

Also insert in section six hundred and twenty-one, after the figures "1857," the following: "And that chapter twenty-seven of the second Session Laws, approved January 25, 1856, of mechanics' liens, and the law entitled 'An act for securing liens to mechanics and others,' passed at the first session of the Legislature, approved March 14, 1856."

Your committee flatter themselves that the Code herewith repeated is a great improvement upon the law now in force. But in the short time allowed them the to examine the Code herewith reported, it could not be expected but imperfections exist which can be remedied as experience points out the same. We feel a degree of assurance and satisfaction in recommending this Code, from the fact it comes to us recommended and approved after a practical operation in the state of Ohio for several years.

O. P. MASON,
Chairman Judiciary Committee.

C. B. No. 132, "An act to establish a Code of Civil Procedure,"

Was now taken up.

On motion,

The amendments reported by Judicial Committee were adopted.

The bill was then read third time, and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—27.

Nays.—0.

Carried.

Bill passed and title agreed to.

Mr. Mason, from Committee on Judiciary, to which was referred

C. B. No. 124 "A bill for an act for the relief of Levi Harsh, mayor of the city of Florence,"

Reported the same back without amendment, and recommended its passage.

Mr. Mason moved that the bill be read a third time now, and put on its passage.

Mr. Rankin moved to lay the bill on the table.

Carried.

Mr. Mason, from Committee on Judiciary, introduced

H. B. No. 128, "A bill for an act to provide for the appointment of a clerk for each county wherein courts are held,"

Read first and second time.

Mr. Mason, moved that the rules be suspended, the bill read third time and put on its passage.

Mr. Rankin moved that further consideration of the bill be deferred until to-morrow morning.

Ayes and nays were called:

Ayes—Messrs. Collier, De Puy, Shields, Steinberger.—4.

Nays—Messrs. Bramble, Briggs, Clayes, Davis of Cass, Daily, Dean, Doom, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—23.

Lost.

Question on reading third time.

Carried.

The bill was now read third time, passed and title agreed to.

Mr. Mason from Committee on Judiciary introduced

H. B. No. 129, " A bill for an act to regulate the appointment and define the powers and duties of Notaries Public,"

Read first and second time.

Mr. Taffe moved to recommit to same committee, with instructions to report a bill making the office of notary public elective by the people.

On this, Mr. Daily moved the previous question, and was sustained.

The main question was now ordered,

And on that the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Cass, Daily, Dean, Fleming, Lee, Noel, Stewart, Taffe, Young.—10.

Nays—Messrs. Clayes, Collier, Doom, De Puy, Gwyer, Hall, Marquette, Mason, Ramsey, Roeder, Seymour, Steele, Steinberger, Wattles.—14.

Lost.

Question now had on reading bill third time.

Lost.

Mr. De Puy, from select committee, to which was referred

H. B. No. 121, "A bill for an act to define the boundaries between Washington and Dodge counties,"

Reported the same back without amendment, and recommended its passage.

The bill was now read a third time, passed and title agreed to.

Mr. Lee, from Committee on Engrossing and Enrolling Bills, made the following report:

Your Committee on Engrossing and Enrolling Bills have this day presented to the Governor for his approval,

H. B. No. 83, "A bill for an act to more particularly define the boundaries of Nemaha county,"

Also,

H. B. No. 89, "An act to locate a territorial road from Brownville, Nemaha county, to Kingston, in Johnson county,"

Also,

H. B. No. 45, "A bill to authorize Thomas Patterson to erect a dam across Rock creek."

Also,

H. B. No. 87, "A bill for an act to establish a territorial road from Omaha, in Douglas county, to Fontenelle, Dodge county."

Also,

H. B. No. 69, "A bill for an act to incorporate the city of Rulo."

Also,

H. B. No. 80, "A bill for an act to establish a territorial road from Cuming city landing, Washington county, to Fontenelle, Dodge county."

Also,

H. B. No. 103, "A bill for an act to locate a territorial road from Peru to the Kansas line, at or near Marysville, Kansas Territory."

Also,

H. B. No. 92, "A bill for an act to locate a territorial road from Omaha city, via Hazelton, to Forest city, in Sarpy county."

Also,

H. B. No. 94, "A bill for an act to locate a territorial road from the city of Elkhorn to the Pappillion creek, at McArdle's."

Also,

H. B. No. 62, "A bill for an act to establish a territorial road from Bellevue, via Hazelton, in Sarpy county, to Elkhorn city, in Douglas county."

Also,

H. B. No. 12, "A bill for an act to authorize certain officers to administer oaths and affirmations."

All of which were correctly engrossed.

GEORGE F. LEE.

Mr. Noel, from same committee, reported House Bills Nos. 72 and 119 as correctly engrossed.

The following message from His Excellency, the Governor, was received:

EXECUTIVE DEPARTMENT, Omaha, City,
November 1, 1858.

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved the following bills, to wit:

"An act to locate a territorial road from the Pappillion creek, at McArdle's,"

"An act to locate a territorial road from Peru to the Kansas line, near Marysville, Kansas Territory,"

"An act to more particularly define and settle the boundaries of Nemaha county, N. T.,"

"An act to establish a territorial road from Omaha city, in Douglas county, to Fontenelle, in Dodge county,"

"An act to authorize Thomas Patterson, or assigns, to erect a mill dam across Rock creek,"

"An act to incorporate the city of Rulo,"

"An act to establish and locate a territorial road from Cuming city landing, in Washington county, to Fontenelle, Dodge county,"

"An act to locate a territorial road from Omaha city, by way of Hazleton, to Forest city, in Sarpy county,"

"An act to establish a territorial road from Bellevue, Sarpy county, via Hazleton, to Elkhorn city, Douglas county," "An act to authorize certain officers to administer oaths and affirmations in all cases,"

"An act to locate a territorial road from Brownville, in Nemaha county, to Kingston in Johnston county.

J. McCONIHE,
Private Secretary.

Mr. Young, from Committee on Federal Relations, submitted the following report:

Your committee to whom was referred

H. B. No. 109, "A memorial and joint resolution, praying Congress to pass a special act for the relief of John B. and William Bennet, have had the same under consideration, and beg leave to report:

Your committe find that the above mentioned John B. and William Bennet, did in accordance with what was supposed to be the law, preempt at the land office at Omaha, certain lands as stage stations.

These lands were part of them sold by the above named persons, and good and sufficient deeds given, after which a decision was made at the general land office, to the effect that the said entries were not in accordance with law.

It is but justice that the title of John B. and William Bennet, to the said lands, should be confirmed.

The committee therefore recommend the passage of the bill.

WILLIAM C. FLEMING,
WILLIAM J. YOUNG.

Mr. Clayes asked leave to introduce a bill, of which no notice had been given.

Objections being made,

The ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Daily, Dean, Doom, Fleming, Hall, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Steele, Stewart, Taffe, Wattles, Young.—21.

Nays—Mr. Seymour.—1.

Carried, and

Leave granted.

Mr. Clayes now introduced

H. B. No. 130, "A bill for an act to amend an act to define the limits of judicial districts, and fix the term of the district courts."

Mr. Steinberger moved to refer to a select committee of three.

Mr. Stewart moved to amend by referring to Committee on Judiciary.

Lost.

Mr. Clayes moved to amend by referring to the delegation from Douglas county.

Carried.

Motion as amended,

Carried.

Committee—Messrs. Steinberger, Briggs, Clayes, Gwyer, Stewart, Steele, Roeder, Seymour.

Mr. Daily, from special committee, reported

C. B. No. 42, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,'"

With an amendment thereto, and recommended its passage.

Mr. Daily also reported

C. B. No. 12, "A bill for an act for the relief of Margaretta Cuming,"

Without recommendation.

Mr. Daily also reported

H. B. No. 21, "A bill for an act to make legal the collection of taxes for the year A. D. 1857,"

Recommending its passage.

Mr. Daily, on leave, introduced

H. B. No. 131, "A bill for an act to abolish slavery in the Territory of Nebraska."

Mr. Steinberger moved to refer to Committee on Federal Relations.

Mr. Rankin moved to postpone further consideration of the bill until the fourth day of July next.

Ayes and nays called:

Ayes—Messrs. Clayes Noel, Shields, Steinberger.—4.

Nays—Messrs. Bramble, Briggs, Collier, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Ramsey, Rankin, Roeder, Seymour, Steele, Stewart, Taffe, Wattles, Young.—24.

Lost.

Question had on reference to Committee on Federal Relations.

Lost.

Mr. Daily now moved to refer to a select committee of five.

Carried.

Committee—Messrs. Daily, Rankin, Taffe, Stewart, Fleming.

Mr. Rankin moved to instruct the committee to report to-morrow night at 8 o'clock.

Carried.

Mr. Seymour moved to take a recess until 2½ o'clock P. M.

Lost.

Mr. Gwyer, from special committee reported the following:

Mr. Speaker:

Your committee to which was referred two bills, viz: H. B. No. 104 and H. B. No. 91, entitled "An act to incorporate the Omaha City and Great Salt Lake Telegraph Company."

Would respectfully report that they have had the same under consideration, and have come to the conclusion to merge the two bills into one, which is acquiesced in by the parties interested in the respective bills. As the bill No. 104, amended, is a meritorious one, and of great interest to the Territory of Nebraska, and asks for no extraordinary privileges, we report the same back and recommend its passage, and that bill No. 91 lay upon the table.

WILLIAM A. GWYER,
JAMES A. SEYMOUR,
JOHN A. STEINBERGER.

Mr. Wattles, on leave, introduced

H. B. No. 132, "An act to establisha ferry across the Platte river, at the mouth of Salt creek, Sarpy county, Nebraska Territory."

Read first and second time, and referred to the Committee on Corporations.

Mr. Gwyer, from special committee, reported as follows:

MINORITY REPORT.

The undersigned, a minority of the committee to whom was referred "An act to apportion the members of the House of Representatives of the Territory of Nebraska," having had the same under consideration, and being unable to agree upon a report with the other members of the committee, beg leave to report the following minority report:

In the opinion of your committee, a new apportionment can not be based with equal and exact justice upon the last vote for members of the Legislature. The only correct and proper basis for a new apportionment would be on a census of the inhabitants of the Territory. As there is no such census to base it upon, the undersigned is compelled to submit a minority report, adverse to the bill under consideration, and recommend its indefinite postponement.

If, in the opinion of the House, however, it is deemed best to make a new apportionment at the present time, the undersigned respectfully presents to the consideration of the House a bill, as a substitute to the bill referred to the committee, and would recommend its passage.

WILLIAM A. GWYER.

Accompanying the foregoing report, came " A bill for an act for a new apportionment of the representatives of the Territory.

Mr. Young, from the same committee, reported as follows:

Your committee, to whom was referred a substitute for House file No. 22,

Having had the same under consideration, would report the same back and recommend its passage, with the following amendments:

That Sarpy county have three members; Cass and Lancaster five members; Platte, Green, Calhoun and Butler one member; Monroe and Hall counties one member, And that lines seventeen and eighteen in said substitute be stricken out.

R. G. DOOM,
S. G. DAILY,
D. T. BRAMBLE,
HENRY W. DE PUY.

Mr. Young now moved to take up the apportionment bill and the reports thereon.

Messrs. Shields and Cassell obtained temporary leave of absence.

Mr. Clayes now moved to take a recess until 2½ o'clock P. M.

Carried.

2½ o'clock P. M.

Speaker took the Chair and called the House to order.

Mr. Rankin, on leave, introduced

H. B. No. 133, "A bill for an act to locate a territorial road from Decatur to De Sota."

On motion of Mr. Rankin,

The rules were suspended, the bill read the first, second and third time, and put upon its passage,

On which the ayes and nays were called, and resulted as follows:

Messrs. Steinberger, Doom and Lee excused from voting.

Ayes—Messrs. Collier, Daily, Dean, De Puy, Fleming Gwyer, Hall, Kline, Marquette, Noel, Ramsey, Rankin, Roeder, Shields, Steele, Stewart, Wattles, Young.—18.

Nays—Mr. Seymour.—1.

Carried.

The bill passed and title agreed to.

Mr. De Puy, on leave, introduced

H. B. No. 134, "A bill for an act to establish a ferry over the Elkhorn river at Fontenelle,"

Read first and second time, and referred to the Committee on Corporations.

Mr. De Puy, on leave, also introduced

H. B. No. 135, "A bill for an act to establish the county of Merick to define the boundaries and locate the county seat thereof,"

Read first and second time, and referred to Committee on County Seats and County Boundaries."

Mr. Marquette, on leave, introduced

H. B. No. 136, "A bill for an act to change the boundaries of Calhoun county,"

Read first, second and third time, passed and title agreed to.

Mr. Kline, from the Committee on Ways and Means, made the following report of the majority of that committee:

The majority of the committee to whom was referred

C. B. No. 12, "A bill for an act for the relief of Margaretta Cuming,"

Respectfully recommend the passage of the bill. The facts ascertained by an examination of papers on file in the Secretary's office, are, that T. B. Cuming, late Secretary of this Territory, at various times did, by instruction and recommendation of the General Assembly, pay sums of money amounting, in the aggregate, to the sum specified in said bill, which amounts were disallowed by the general government.

Your committee therefore deem the passage of this act but a simple act of justice to the widow of the late Secretary.

Respectfully submitted,

L. M. KLINE,
B. P. RANKIN,
WM. C. FLEMING.

Mr. Kline, on leave, introduced

H. B. No. 137, "A bill for an act to incorporate the Cuming City Ferry Company,"

Read first and second time, and referred to the Committee on Corporations.

Mr. Steinberger, on leave, introduced

H. B. No. 138, "An act to locate and establish a territorial road from Omaha to the town of Dryden, Douglas county,"

Read first and second time, and referred to the Committee on Roads.

Mr. Rankin, from special committee, reported back

C. B. No. 69, "An act to amend the charter of Bellevue,"

Without amendment, and recommend its passage.

Bill was then taken up, read third time passed and title agreed to.

Mr. Seymour from the Committee on Corporations reported back

H. B. No. 132, " An act to establish a ferry across the Platte river at the mouth of Salt creek, Sarpy county, Nebraska Territory,"

Without amendment and recommend its passage.

On motion of Mr. Rankin

The rules were suspended, bill read third time, passed and title agreed to.

Mr. Collier, on leave, introduced

H. B. No. 139, " A bill for an act to regulate the disposal and entry of town sites,"

Read first and second time and referred to Committee on Judiciary.

Mr. Hall from Committee on Accounts and Expenditures made the following report:

Your committee on accounts and expenditures to whom was referred

H. B. No. 125, A bill for an act to provide for the copying, indexing and proof reading of the journal and laws passed at the extra and regular session of the Legislature of Nebraska during the year 1858,

Also,

H. B. No. 116, A bill for an act to authorize the treasurer of the Territory to purchase a safe for territorial purposes,"

Also,

H. B. No. 124, " Joint resolution relative to engrossing and enrolling clerks,'

Having had the said bills under consideration ask leave to report back the same without amendments and recommend their passage.

WM. B. HALL,
R. W. STEELE,
STEPHEN H. WATTLES.

Mr. Hall moved that

H. B. No. 125, "A bill for an act to provide for copying, indexing and proof reading of the journals and laws passed at the extra and regular sessions of the Legislature of Nebraska during the year 1858,"

Be read third time and put upon its passage.

Carried.

Bill read a third time, passed and title agreed to.

H. B. No. 116, " A bill for an act to authorize the treasurer of the territory to purchase a safe for territorial purposes,"

Was now taken up.

Read the third time passed and title agreed to.

H. B. No. 124, " Joint resolutions relative to engrossing and enrolling clerks,"

Was now taken up,

Mr. Hall moved to fill the blanks with " three dollars per day."

Mr. Marquette moved to fill the blank with " four dollars per day."

Mr. Steinberger moved to fill the blank with "six dollars per day."

Question first had on last motion.

Carried.

Bill was read the third time, passed and title agreed to.

Consideration of the motion pending when the House took a recess this morning, viz, to take up the apportionment bill, with the reports thereon, resumed.

Mr. Stewart moved to lay the motion on the table,

On which, the ayes and nays were demanded:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Gwyer, Kline, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Taffe.—15.

Nays—Messrs. Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Marquette, Mason, Noel, Ramsey, Wattles, Young, Speaker.—15.

Lost.

Mr. Rankin, on leave, introduced

H. B. No. 140, "Memorial and joint resolution asking for an appropriation of thirty thousand dollars to complete the Capitol,"

Read first and second time, and referred to the Committee on Public Buildings and Grounds.

Question occurred on Mr. Doom's motion to take up the apportionment bill,

On which the ayes and nays were demanded:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Lee, Marquette, Noel, Ramsey, Seymour, Shields, Taffe, Young, Speaker.—20.

Nays—Messrs. Gwyer, Hall, Kline, Mason, Rankin, Roeder, Steele, Steinberger, Stewart, Wattles.—10.

Carried.

Mr. Steinberger moved that the House resolve itself into Committee of the Whole, to take into consideration the bill.

Lost.

Mr. Marquette moved that the amendment reported by the majority of the committee be adopted.

Mr. Gwyer moved to lay the motion to adopt the amendment of the majority of the committee, on the table,

On which the ayes and nays were demanded:

Ayes—Messrs. Briggs, Gwyer, Roeder, Seymour, Steele, Steinberger.—6.

Nays—Messrs. Bramble, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Stewart, Taffe, Wattles, Young.—22.

Lost.

Question on motion to adopt the amendment proposed by the majority of the committee.

Carried.

Message from the Council:

COUNCIL CHAMBER,
Nov. 1, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 125, "A bill for an act to provide for the copying, indexing and proof reading of the journals and laws passed at the extra and regular session of the Legislative Assembly of Nebraska, during the year 1858,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Gwyer moved to strike out "six" where reference was made to Douglas county, and insert "seven" in place thereof.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 1, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 150, "Joint resolution relative to adjournment of the present session of the Legislature,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Rankin moved to lay on the table the whole matter before the House, with the exception of the minority report and the substitute recommended therein.

Ayes and nays called:

Ayes—Messrs. Briggs, Clayes, Collier, Gwyer, Kline, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart.—12.

Nays—Messrs. Bramble, Davis of Cass, Daily, Dean, Doom; De Puy, Fleming, Hall, Lee, Marquette, Noel, Norwood, Ramsey, Taffe, Wattles, Young.—16.

Lost.

Mr. Taffe now moved to lay the motion to amend on the table.

Carried.

Mr. Gwyer moved to postpone until to-morrow morning at 9 o'clock.

Lost.

The following message from His Excellency the Governor was received:

EXECUTIVE DEPARTMENT, Omaha City,
November 1, 1858.

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body, that he has signed and approved the following bills, to wit:

"An act to organize and define the boundaries, and locate the county seat of Dixon county,"

Also,

"An act to provide for the copying, indexing and proof reading of the journals and laws, passed at the extra and regular sessions of the Legislature of Nebraska, during the year 1858."

J. McCONIHE,
Private Secretary.

Mr. Steinberger moved to amend the bill, by striking out "three," where reference is made to Sarpy county, and insert "two" in place thereof, and to give one member in common to Douglas and Sarpy counties.

Mr. Rankin moved to lay the motion on the table.

Carried.

Mr. Dean moved to lay the motion on the table.

Carried.

Ayes and nays called:

Ayes—Messrs. Briggs, Clayes, Collier, Daily, De Puy, Gwyer, Hall, Kline, Noel, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe.—15.

Nays—Messrs. Davis of Cass, Davis of Washington, Dean, Doom, Fleming, Lee, Marquette, Norwood, Ramsey, Rankin, Shields, Wattles, Young.—13.

Carried.

Motion to lay on the table was now withdrawn.

Mr. Rankin moved to postpone, until the fourth day of July next, the whole subject, except the main bill now before the House.

Ayes and nays called:

Ayes—Messrs. Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Marquette, Mason, Noel, Ramsey, Taffe, Young, Speaker.—15.

Nays—Messrs. Briggs, Clayes, Collier, Gwyer, Kline, Norwood, Rankin, Roeder, Seymour, Shields, Steele, Steinberger, Stewart, Wattles.—14.

Carried.

Mr. Noel, from Committee on Enrolling and Engrossing Bills, reported that he had this day laid before the Governor, for his approval or rejection,

"An act to provide for the copying, indexing and proof reading of the journals and laws passed at the extra and regular sessions of the Legislature of Nebraska during the year 1858."

Also,

"An act to provide for the valuation and assessment of real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

Ayes and nays were now called, on the motion to amend the bill:

Ayes—Messrs. Briggs, Clayes, Gwyer, Mason, Roeder, Seymour, Steele, Steinberger.—8.

Nays—Messrs. Bramble, Collier, Davis of Cass, Davis of Washington, Daily Dean, Doom, De Puy, Fleming, Kline, Lee, Marquette, Noel, Norwood, Ramsey, Rankin, Shields, Stewart, Taffe, Wattles, Young.—21.

Lost.

The following message from the Governor was received:

Executive Department, Omaha City,
November 1, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform the House that he has signed and approved " A bill an for act to provide for the valuation and assessment of the real and personal property, and for the levying and collection of taxes in the Territory of Nebraska."

J. McCONIHE,
Private Secretary.

Mr. Hall obtained leave of obsence for to-morrow.

Question now recurred on reading the bill the third time.

Carried.

Bill read third time and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Davis of Cass, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Marquette, Mason, Noel, Norwood, Ramsey, Rankin, Shields, Steele, Stewart, Taffe, Wattles, Young.—22.

Nays—Messrs. Clayes, Collier, Gwyer, Roeder, Seymour, Steinberger.—6.

Carried.

Bill passed and title agreed to.

Mr. Mason from Committee on Judiciary reported

H. B. No. 139, "A bill for an act to regulate the disposal and entry of town sites,"

Without amendment and recommended its passage.

Mr. Mason, on leave, introduced

H. B. No. 141, "A bill for an act to authorize the county commissioners of Otoe county, to levy a direct tax to build a court house and jail in the county of Otoe."

Mr. Mason, from Committee on Judiciary, to which was referred

H. B. No. 126, "A bill for an act to provide for the holding of district courts in the counties of Dixon, Cedar and L'eau-qui Court,"

Reported the same back with a substitute therefor, and recommended the passage of the substitute.

Mr. Mason, from select committee, submitted the following report:

Your committee to which was referred that portion of the Governor's message, which refers to the criminal laws, beg leave to submit the following report:

That the wants of the people and the recommend of the Governor has been complied with, by the passage of a Criminal Code, which was copied and prepared and presented to the Council and approved by that body and the House, and is now the law of the land.

Your committee beg leave to submit this report as a simple act of justice to James G. Chapman, prosecuting attorney of the first judicial district, by whom the said Criminal Code was prepared, and presented to the Council and your committee, feeling under deep and abiding obligations to the Hon. James G. Chapman, for his disinterested and untiring efforts in preparing said code of criminal law which was adopted by the Legislature, recommend that the following resolution be adopted:

Resolved, By the Council and House of Representatives, That it is with gratitude and pleasure that we acknowledge the services and valuable aid of the Hon. James G. Chapman, in preparing and copying the Criminal Code, and presenting the same to the Council; and that the thanks of the Council and House of Representatives be, and the same are hereby tendered to Hon. James G. Chapman.

On motion,
The resolution was adopted.
Mr. Daily offered the following resolution:

Resolved, That the House go into a joint convention with the Council on to-morrow, at 2 o'clock P. M., for the purpose of electing a territorial printer.

On motion,
Adopted.
Mr. Mason moved to take up joint resolution relative to adjournment.
Lost.
Mr. Rankin moved to take a recess until 7 o'clock P. M.
Carried.

7 o'clock P. M.

The Speaker called the House to order.
Mr. Noel offered the following resolution:

Resolved, That the Chief Clerk of this House be authorized to employ an Assistant Clerk, whenever the business on his desk requires it.

On motion,
Adopted.
Mr. Steele offered the following resolution:

Resolved, That the House proceed to take up the business on the Speaker's table, and continue the same until it is cleared.

On motion,
Adopted.
C. B. No. 94, "An act to provide for repairing the Military road at the Elkhorn bridge,"
Read a first and second time, and
On motion,
Was referred to a special committee of three, consisting of Messrs. Gwyer, Steinberger, Collier.
C. B. No. 150, "Joint resolution relative to the adjournment of the present session of the Legislature,"
Was taken up, and
On motion of Mr. Rankin,
Postponed until Wednesday next.
C. B. No. 97, "An act to incorporate the Fort Calhoun and Iowa Ferry Company,"
Read a first and second time, and referred to the Committee on Corporations.
C. B. No. 126, "A bill for an act to authorize Charles Mastin and others to establish and keep a ferry, at Rulo, Richardson county,"
Read a first and second time, and referred to the Committee on Corporations.

C. B. No. 134, "A bill for an act to authorize the apportionment of county commissioners in Platte county,"

Read a first and second time, and referred to the Committee on Judiciary.

C. B. No. 127, "An act to incorporate Bon Homme City Town and Ferry Company,"

Read a first and second time, and referred to a special committee of three, consisting of Messrs. Taffe, Lee, Ramsey.

C. B. No. 136, "Joint resolution granting pay to Justin Davis for certain service,"

Read a first and second time, and referred to Committee on Accounts and Expenditures.

C. B. 137, "Join resolution to pay E. S. Dundy mileage and per diem,"

Read a first, second and third time, passed and title agreed to.

C. B. No. 25, "A bill for an act to authorize justices of the peace to administer oaths, and regulate their fees,"

Read a first and second time, and referred to Committee on Judiciary.

C. B. No. 116, "A bill for an act to dissolve the bonds of matrimony between James B. Hickman and Salina H. Hickman,"

Read a first and second time.

Mr. Mason moved to refer to Committee on Judiciary.

Lost.

Mr. Steele moved to a refer to a special committee of three.

Carried.

Committee—Messrs. Steele, Stewart, Collier.

H. B. No. 118, "Joint resolution and memorial, asking an appropriation to construct a bridge over the Platte river,"

Read a first, second and third time, passed and and title agreed to.

C. B. No. 129, "A bill to amend an act entitled 'An act to locate a territorial road from Plattsmouth to New Fort Kearney, via the cities Parallel and Salina,"

Read a first and second time and referred to Committee on Roads.

C. B. No. 92, "A bill for an act to legalize the assessment of taxes in the territory of Nebraska and amend the revenue law,"

Read a first and second time and referred to the Committee on Ways and Means.

B. B. No. 123, "Joint resolutions to elect a public printer,"

Taken up and on leave withdrawn.

H. B. No. 117, "Joint resolution and memorial asking an appropriation to construct a bridge over Loup Fork river,"

Read a first, second and third time passed and title agreed to.

C. B. No. 131, "Joint memorial and resolution relative to the School lands,"

Read a first and second time and referred to Committee on Common Schools.

C. B. No. 45, "A bill for an act to amend an act entitled 'Justices' Courts,'"

Read first and second time and referred to Committee on Judiciary.

C. B. No. 139, "A bill for an act to incorporate the town of Parkersburgh,"

Read a first and second time and referred to Committee on Corporations.

C. B. No. 103, "A bill for an act ro amend an act entitled a bill to incorporate the city of Omaha,"

Read a first and second time and referred to a select committee of three consisting of Messrs. Clayes, Stewart, Gwyer.

C. B. No. 135, "An act to incorporate the city of Fort Calhoun,"

Read a first and second time and referred to a select committee of three consisting of Messrs. Kline, Steele, Briggs.

C. B. No. 108, "An act to legalize the acts of certain commissioners of deeds and for other purposes,"

Read a first and second time, and referred to the Committee on Judiciary.

H. B. No. 119, "Joint resolution for the payment of the code commissioners of 1855, and their clerks,"

Read a third time, and passed.

On motion of Mr. Mason,

The title was amended so as to read as follows:

"Joint resolution for the determination and adjudication of the claims of the code commissioners of 1855, and their clerks,"

C. B. No. 12. "A bill for the relief of Margaretta Cuming,"

Read a third time, passed and title agreed to.

H. B. No. 109, "Memorial and joint resolution praying Congress to pass a special act for the relief of John B. and William Bennet,"

Was taken up.

Mr. Gwyer moved to amend by including within the provisions of the bill, the lands known as the Saratoga claim of John B. and William Bennet.

Mr. Bramble moved to lay the motion to amend on the table,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Collier, De Puy, Fleming, Lee, Marquette, Ramsey, Rankin, Seymour, Steele Stewart, Taffe, Young.—14.

Nays.—Messrs. Clayes, Davis of Cass, Daily, Dean, Doom, Gwyer, Mason, Noel.—8.

Carried.

Mr. Rankin moved that the bill be read a third time, and be put upon its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Davis of Cass, Doom, De Puy, Fleming, Lee, Marquette, Mason, Hall, Rankin, Seymour, Steele, Stewart, Taffe, Young.—16.

Nays—Messrs. Clayes, Collier, Gwyer, Ramsey.—4.

Carried.

Bill read a third time, passed and title agreed to.

Mr. Seymour, from select committee to which was referred

H. B. No. 63, "An act to incorporate the Missouri and Columbia River Rail Road Company,"

Reported the same back with sundry amendments thereto, and recommended its passage as amended.

C. B. No. 90, "A bill for an act to confirm the title of Francis Barker to certain real estate in Omaha city,"

Read third time, passed and title agreed to.

Mr. Stewart, from Committee on Corporations, to which was referred

H. B. No. 137, "A bill for an act to incorporate the Cuming City Ferry Company,"

Reported the same back without amendment, and recommended its passage.

Mr. Collier, on leave, introduced

H. B. No. 142, "A bill for an act to amend and make certain the charter of Decatur,"

Read a first and second time, and referred to Committee on Corporations.

H. B. No. 79, " An act regulating the disposal of unclaimed property in certain cases,"

Was now taken up.

Mr. Gwyer moved to amend section three by striking out the words " sixty days" in second line and inserting " four months."

Carried.

Mr. Stewart moved that the bill be indefinitely postponed.

Lost..

Mr. Gwyer moved that the bill be now read a third time and put upon its passage.

On which Mr. Clayes moved the previous question.

Sustained and main question ordered.

Main question had.

Carried.

Bill was now read a third time passed and titlo agreed to.

Mr. Davis of Washington moved to adjourn.

Lost.

H. B. No. 126, " A bill for an act to provide for theholding of district court in the county of Dixon,"

Being substitute reported by the Judiciary Committee,

Read first, second and third time passed and title agreed to.

H. B. No. 137, " A bill for an act to incorporate the Cuming City Ferry Company,

Read the third time and put upon its passage,

On which the ayes and nays were called:

Ayes—Messrs. Collier, Davis of Cass, De Puy, Kline, Marquette, Noel, Ramsey, Rankin Steele, Steinberger, Stewart.—12.

Nays—Messrs. Briggs, Clayes, Davis of Washington, Dean, Fleming, Lee, Wasson, Young.—8.

Carried.

Bill passed and title agreed to.

H. B. No. 85, "A bill for an act to incorporate the Salt Creek Bridge and Ferry Company,"

Read a third time.

Mr. Mason moved to refer the bill to the Committee on Corporations, with instructions to report a limitation clause immediately.

Carried.

Mr. Stewart, from Committee on Corporations reported the bill back, with the following amendment:

Strike out the words, "have perpetual succession," in section 1, and add to same section as follows: "And said corporation shall expire and cease to be possessed of the powers and privileges contained in this act, at the expiration of ten years from and after the passage of this act,"

On motion,

The amendment was adopted.

Mr. Clayes moved to postpone the bill until the fourth day of July next.

Mr. Stewart moved to lay the motion on the table.

Carried.

Bill was now put upon its passage.

Ayes and nays called:

Ayes—Messrs. Bramble, Davis of Cass, Davis of Washington, De Puy, Lee, Marquette, Rankin, Steele, Steinberger, Stewart, Taffe.—11.

Nays—Messrs. Briggs, Clayes, Dean, Fleming, Gwyer, Kline, Mason, Noel, Ramsey, Seymour.—10.

Carried.

Bill passed and title agreed to.

On motion of Mr. Collier,

The House adjourned at 10¼ o'clock P. M.

TUESDAY, November 2, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

Journal read and approved.

Mr. Steele, from special committee to which was referred

C. B. No. 116, "A bill for an act to dissolve the bonds of matrimony between James B. Hickman and Salina H. Hickman,"

Reported the same back without amendment, and recommended its passage.

On motion,

That bill was then read third time, passed and title agreed to.

Mr. Marquette, on leave, introduced

H. B. No. 143, "A bill for an act to amend an act respecting practice and proceedings in courts of justice, and for other purposes,"

On motion,

The rules were suspended, and the bill read first, second and third time, passed and title agreed to.

Mr. De Puy, from special committee to which was referred

H. B. No. 120, " Memorial and joint resolution, asking for a grant of land to build the Lewis and Clark College,"

Reported the same back without amendment, and recommended its passage.

The bill was then read third time, passed and title agreed to.

Mr. Clayes, from special committee, to which was referred

H. B. No. 140, "A memorial praying Congress for an additional appropriation of thirty thousand dollars, to complete the Capitol building for the Territory of Nebraska,"

Reported the same back without amendment, and recommended its passage.

Mr. Young moved that a special committee of three be appointed, to ascertain and report what title the Territory of Nebraska, has to the Capitol building; also, what liens, if any, there are on the same.

Carried.

Committee—Messrs. Young, Clayes, and Marquette.

Mr. Kline, from special committee, to which was referred

C. B. No. 135, " An act to incorporate the city of Fort Calhoun, Nebraska,"

Reported the same back without amendment, and recommended its passage.

Mr. Gwyer, from special committee, to which was referred

C. B. No. 94, "A bill for an act to provide for repairing the military road at the Elkhorn bridge,"

Reported the same back without amendment, and recommended its passage.

The bill was now taken up, and

On motion of Mr. Gwyer,

The blank in Sec. 2 was filled by inserting the name of John A. Steinberger therein.

The bill was then read third time, and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, De Puy, Gwyer, Roeder, Steele, Steinberger, Wattles.—11.

Nays—Messrs. Daily, Dean, Doom, Fleming, Hall, Lee, Noel, Norwood, Ramsey, Taffe, Young, Speaker.—12.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 1, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has concurred in the amendments of the House to

C. B. No. 132, "An act to establish a Code of Civil Procedure,"

Also,

In the amendments of the House to

C. B. No. 107, "A bill for an act to require justices of the peace to give bonds before entering upon the discharge of their official duties."

I have also to inform you that the Council has passed the following named bills,

And the concurrence of the House is respectfully requested:

C. B. No. 145, "Joint resolution relative to compensation to H. M. Judson for services rendered in copying the Civil Code,"

C. B. No. 141, "Joint resolution to compensate W. A. Gwyer, Jr., for services rendered as Page of the Council,"

C. B. No. 147, "An act to locate and establish a territorial road from the Military bridge over the Big Pappillion, at Orient, to Hazleton,"

C. B. No. 152, "An act to incorporate the town of Bridgeport,"

C. B. No. 143, "A bill for an act to establish and keep a ferry and toll bridge across the Big Blue river, in Gage county,"

C. B. No. 140 "Joint resolution to compensate R. W. Furnas, territorial printer of the third session, for services performed," and

C. B. No. 147, "A bill for an act to incorporate the Falls City College."

I also return to your honorable body,

H. B. No. 121, "A bill for an act to define the boundaries between Washington and Dodge counties," and

H. B. No. 127, "Joint resolution for an appropriation to pay the expenses of the extra session,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Hall, from Committee on Accounts and Expenditures, to which was referred

C. B. No. 136, "Joint resolution granting pay to Justin Davis for certain service,"

Reported the same back without amendment, and recommended its passage.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before His Excellency the Governor, for his approval or rejection, the following named bills:

"An act respecting juries," and

"An act to incorporate the town of Fremont, in Dodge county."

H. B. No. 105, "A bill for an act to change the name of Charley Sheppard to Charley Ford,"

Read third time, passed and title agreed to.

C. B. No. 76, "An act to incorporate the Frankfort Town and Ferry Company,"

Read third time, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Davis of Cass, Daily, De Puy, Hall, Lee, Marquette, Noel, Ramsey, Rankin, Roeder, Steele, Steinberger, Stewart, Taffe, Wattles.—16.

Nays—Messrs. Briggs, Clayes, Collier, Dean, Fleming, Gwyer, Mason, Norwood, Seymour, Young.—10.

Carried.

Bill passed and title agreed to.

C. B. No. 117, "A bill for an act to incorporate the town of St. Stephen, in Richardson county,"

Read third time, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Fleming, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Steele, Steinberger, Stewart, Taffe, Wattles.—24.

Nays—Messrs. Gwyer, Norwood, Young.—3.

Carried.

Bill passed and title agreed to.

H. B. No. 84, A bill for an act to locate a territorial road from Ionia, in Dixon county, to Fontenelle, in Dodge county,"

Read third time, passed and title agreed to.

The following message from the Executive was received:

Executive Department, Omaha City,
November 2, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act to incorporate the town of Freemont, Dodge county, N. T.,"

Also,

"An act respecting juries."

J. McCONIHE,
Private Secretary.

H. B. No. 39, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe, Nemaha, Richardson and Pawnee counties,"

Read third time.

On motion,

The bill was then referred to a special committee of three, consisting of Messrs. Dean, Marquette and Fleming.

The committee reported the bill back with an amendment thereto, which

On motion,

Was adopted.

The bill was then passed and title agreed to.

H. B. No. 78, "An act to incorporate the town of Pawnee city,"

Read third time, passed and title agreed to.

H. B. No. 82, "A bill for an act to incorporate the Missouri River and Nemaha Valley Rail Road Company,"

Read third time, passed and title agreed to.

C. B. No. 42, "A bill for an act to amend an act establishing the mode of locating and changing county seats,"

Amendment reported by committee adopted.

Bill read third time, passed and title agreed to.

Mr. Norwood moved to reconsider the vote on the passage of

C. B. No. 94, "A bill for an act to provide for repairing the Military road at the Elkhorn bridge."

Carried.

Question recurred on the passage of the bill.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Collier, Davis of Cass, De Puy, Gwyer, Kline, Norwood, Rankin, Roeder, Seymour, Steele, Steinberger, Stewart, Wattles.—14.

Nays—Messrs. Daily, Dean, Fleming, Lee, Noel, Ramsey, Taffe, Young.—8.

Carried.

Bill passed and title agreed to.

Mr. Taffe, on leave, introduced

H. B. No. 144, "A bill for an act to fix the time for convening the Legislative Assembly,"

Read first, second and third time, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Collier, Davis of Cass, Doom, De Puy, Fleming, Lee, Marquette, Noel, Norwood, Ramsey, Rankin, Stewart, Taffe, Wattles, Young.—16.

Nays—Messrs. Briggs, Daily, Dean, Gwyer, Hall, Roeder, Seymour, Steele.—8.

Carried.

Bill passed and title agreed to.

Mr. Stewart from Committee on Corporations submitted the following report:

Your committee to whom was referred Council Bills Nos. 97 and 139, also H. B. No. 134, having had the same under consideration report the same back and recommend their passage with certain amendments.

STEWART,
DAVIS of Cass,
RAMSEY,
KLINE,
BRAMBLE.

Mr. Collier from Committee on Judiciary to which was referred

C. B. No. 108, "An act to legalize the acts of certain commissioners of deeds and for other purposes,"

And

C. B. No. 134, "A bill for an act to authorize the appointment of county commissioners in Platte county,"

Reported the same back without amendment and recommended their passage.

Mr. Rankin from Committee on Roads to which was referred

H. B. No. 138, "An act to locate a territorial road from Omaha city to the town of Dryden in Douglas county,"

Reported the same back without recommendation.

H. B. No. 76, "An act securing the benefits of the writ of *habeas corpus*,"

Read third time passed and title agreed to.

H. B. No. 101, "A bill for an to remunerate James W. Nan Nostrand for services rendered to the Committee on Judiciary in the House of Representatives of the Territory of Nebraska,"

Was taken up.

On motion of Mr. Mason

Section one was amended by striking out "seventy-five" and inserting "forty," in place thereof.

The bill was then read third time passed and title agreed to.

H. B. No. 20, "A bill for an act regulating ferries,"

Was taken up, and

On motion,

The amendments proposed by the Council agreed to.

On motion of Mr. Rankin,

The House took a recess until 2 o'clock P. M.

2 o'clock P. M.

House called to order.

Mr. Noel moved a call of the House:

Absent—Messrs. Collier, Davis of Cass, Daily, Doom, De Puy, Fleming, Kline, Mason, Norwood, Ramsey, Rankin, Steele, Steinberger, Stewart, Taffe, Wattles.

Sergeant-at-arms dispatched after absentees.

Mr. Lee moved to dispense with all further proceedings under call.

Carried.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor, for his approval or rejection,

"An act to define the boundaries between Washington and Dodge counties."

Also,

"Joint resolution for an appropriation to pay the expenses of the extra session."

Also, reported

H. B. No. 9, "A bill for an act to establish a common school system in the Territory of Nebraska,"

As correctly engrossed.

Mr. Daily moved that a committee of three be appointed to wait upon the Council, and inform them that the hour having arrived at which the two Houses have concurrently agreed to go into the election of a public printer, that the House of Representatives is now in waiting for the Council, and invite them to come into the House for that purpose.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 2, 1858.

Mr. Speaker:

I am instructed to inform you that the Council has adopted the accompanying "Joint resolution relative to public printer,"

And the concurrence of the House is requested.

I also return you

H. B. No. 124, "Joint resolution relative to engrossing and enrolling clerks,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Daily now moved the previous question on the motion for a committee to wait upon the Council,

And was sustained on ordering the main question

The ayes and nays called:

Ayes—Messrs. Briggs, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Lee, Marquette, Noel, Seymour, Stewart, Wattles, Young.—15.

Nays—Messrs. Clayes, Collier, Fleming, Gwyer, Hall, Mason, Ramsey, Roeder, Steele, Steinberger.—10.

Carried.

Main question now had.

Carried,

Committee—Messrs. Daily, Wattles and Briggs.

The committee appeared and by their chairman reported their duty performed.

The Council appeared, when the Council and House of Representatives went into joint convention,

Hon. L. L. Bowen, President of the Council, in the Chair.

Mr. Daily moved that the convention now proceed to ballot for and elect a territorial printer, and that the Chief Clerk of the Council and the Chief Clerk of the House of Representatives act as tellers.

Mr. Clayes having the floor, discussing the motion,

Mr. Crawford submitted the following point of order:

"That we are here for a specific purpose—the election of a public printer—and that it is out of order at this time to discuss our power to do so; the place for such discussion being in the separate Houses during the pendency of the resolution to go into joint convention."

The Chair decided the point of order well taken.

The question being on the motion to ballot for public printer,

Mr. Crawford moved the previous question,

Which was sustained, and

The main question ordered.

Main question now had.

Carried.

Nominations for public printer being now in order,

Mr. Marquette nominated Elijah Giles.

Mr. Rankin nominated T. H. Robertson.

Mr. De Puy nominated J. W. Pattison.

Mr. Young nominated Furnas and Giles.

Mr. Daily nominated R. W. Furnas.

Mr. Furnas nominated W. W. Wyman.

An informal ballot was now had, with the following result:

	Received
Elijah Giles,	2 votes.
T. H. Robertson,	2 "
J. W. Pattison,	1 "
Furnas and Giles,	4 "
R. W. Furnas,	13 "
W. W. Wyman,	2 "
Horace Greeley and Parson Brownlow,	1 "
Thos. Morton & Co.,	1 "
S. Morton,	1 "
S. N. Morton,	1 "

The second ballot resulted as follows:

R. W. Furnas,	23 "
Furnas and Giles,	1 "
T. H. Robertson,	2 "
T. H. Morton,	1 "
Horace Greeley and Parson Brownlow,	1 "

R. W. Furnas having received a majority of all the votes cast, was declared duly elected territorial printer.

Mr. Daily moved that R. W. Furnas be declared, unanimously, elected territorial printer.

Carried.

Mr. Rankin offered the following resolution, which was adopted:

Resolved, That this convention recommend to the Council and House of Representatives the adoption of a joint resolution declaring R. W. Furnas duly elected territorial printer.

On motion of Mr. Rankin,
The convention adjourned.
House resumed business.

The following message from the Executive was received:

EXECUTIVE DEPARTMENT, Omaha City,
Nov. 2, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body that he has signed and approved "An act to define the boundary between Washington and Dodge counties,"

Also,

"A joint resolution for an appropriation to pay the expenses of the extra session,"

Also,

"Joint resolution relative to the compensation of the enrolling and engrossing clerks of the prsent session of the Legislature.

J. McCONIHE,
Private Secretary.

Mr. Noel from Committee on Engrossing and Enrolling Bills reported that he had that day laid before His Fxcellency the Governor for his approval or rejection

A joint resolution relative to engrossing and enrolling clerks.

Mr. Mason obtained leave of absence.

On motion the House took a recess until 7 o'clock P. M.

7 o'clock P. M.

House called to order.

Mr. Lee moved to take up an act to authorize Mr. Mahon, D. R. Roff and John G. Treadway to keep and run a ferry across the Missouri river at Wyoming in Otoe county, Nebraska Territory,"

The same having passed the Council and House and been vetoed by His Excellency the Governor.

Carried.

The bill was now taken up and put upon its passage.

On which ayes and nays were called:

Ayes—Messrs. Collier, Davis of Cass, Daily, De Puy, Lee, Steele, Stewart, Taffe, Wattes.—9.

Nays—Messrs. Bramble, Briggs, Clayes, Dean, Fleming, Marquette, Ramsey, Steinberger, Young.—9.

Lost.

Mr. Stewart, from Committee on Corporations, reported

H. B. No. 142, "A bill for an act to amend and make certain the charter of Decatur,"

Without amendment, and recommended its passage.

That bill was then read third time, passed and title agreed to.

H. B. No. 9, "A bill for an act to establish a common school system in the Territory of Nebraska,"

Read third time, and put on its passage.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Collier, Davis of Cass, Daily, Dean, De Puy, Fleming, Kline, Lee, Marquette, Rankin, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—17.

Nays—Messrs. Bramble, Clayes, Ramsey.—3.

Carried.

Bill passed and title agreed to.

H. B. No. 138, "An act to locate and establish a territorial road from Omaha city to the town of Dryden, in Douglas county."

Mr. Steinberger moved that the rules be suspended, and the bill read third time and put on its passage.

Carried.

Bill read third time.

Mr. Rankin moved that the bill be indefinitely postponed,

On which the ayes and nays were called:

Ayes—Messrs. Collier, Davis of Cass, Daily, Dean, Kline, Lee, Ramsey, Rankin, Steele, Stewart, Taffe, Wattles, Young.—13

Nays—Messrs. Bramble, Briggs, Clayes, Fleming, Marquette, Steinberger.—6.

Carried.

Mr. Briggs, on leave, introduced

H. B. No. 145, " A bill for an act to confirm the title of H. H. Vischer, John Sweezy and Randall A. Brown to certain real estate in the city of Omaha, Nebraska Territory,"

Read first and second time and referred to Committee on Judiciary.

Mr. Davis of Cass offered the following resolution:

Resolved: That the thanks of this House be tendered to E. G. McNeely, Chief Clerk, H. McNeely, Assistant Clerk, J. D. N. Thompson, Sergeant-at-arms, E. H. Rogers, Doorkeeper, John Howard, Engrossing and Enrolling Clerk, O. C. Burnham, Assistant, Rev. W. H. Smith, Chaplain and H. Crowell, Page, for the efficient manner in which they have discharged their duties as officers of this house."

On motion of Mr. Steinberger,

The resolution was adopted.

H. B. No. 124, " A bill for an act for the relief of Levi Harsh, mayor of the city of Florence,"

On motion of Mr. Steele

Was taken from the table.

The bill was then read third time, passed and title agree to.

H. B. No. 139, " A bill for an act to regulate the disposal and entry of town sites,"

Read third time passed and title agreed to.

Mr. Rankin offered the following resolution:

Resolved, That the thanks of the House are due to our Speaker, Hon. H. P. Bennet, for the able and impartial manner in which he has discharged the responsible and difficult duties of Speaker of this House during the present session of the Legislature.

Laid over under rule.

H. B. No. 70, "A bill for an act to incorporate the Nebraska City Hydraulic and Gas Company,"

Was taken up, and the amendments of the Council agreed to.

H. B. No. 149, "A bill for an act to authorize S. B. Stough and H. A. Fuller to erect a mill dam across the Aoway creek at Ponca, Dakota county,"

Was taken up, and the amendments of the Council concurred in.

H. B. No. 106, "A bill for an act to locate a territorial road from Decatur to Columbus and Cleveland,"

Read third time, passed and title agreed to.

Mr. Daily, from special committee, to which was referred

H. B. No. 131, "A bill for an act to abolish slavery in the Territory of Nebraska,"

Submitted the following

MAJORITY REPORT:

Your committee, to whom was referred a bill for the abolition of slavery in this Territory, having had the same under consideration, beg leave to make the following majority report:

The abolition and prohibition of slavery in this territory is so clearly in accordance with the spirit of the age, and the wants of a progressive and enlightened and free people, that your committee deem it time wasted to stop to prove it to a highly civilized and christianized people; were we living in the dark ages of the world's history—in a semi-civilized state, instead of the latter half of the nineteenth century—such a work might not be unnecessary.

And that the Legislature of this Territory has the power legally to enact such a law, we have only to refer to the ever living principles of all free and republican governments, to wit: That the people rule, acknowledging no superior dictator, making their own laws in their own way. And in no case in all our glorious history do we find this grand principle more fully recognized, or more clearly expressed, than in our Organic Act, where it is declared that it is not the "intention of this act to legislate slavery into any Territory or State, or to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

And it is upon this doctrine—that the people are the fountain of all power—that your committee plant themselves, wholly disavowing the doctrines contained in President Buchanan's message, that this Territory is as much a slave territory as South Carolina or Georgia.

S. G. DAILY,
JAMES STEWART,
JOHN TAFFE.

Mr. Rankin, from same committee, submitted the following

MINORITY REPORT:

The minority of the select committee to whom was referred the bill for an act to abolish slavery in the Territory of Nebraska, have had the same under careful consideration, and respectfully ask leave to submit the following report:

Your committee deeply regret the introduction into this House of a bill of this character, and greatly fear that it was done at the prompting of political ambition, rather than through a sincere desire to advance the useful and legitimate legislation so loudly called for by the wants and necessities of our people. It is unfortunate for our history as a territory, that the halls of legislation have at times witnessed scenes of strife and angry controversy. Sectionalism in territorial matters has hitherto distracted our people and done much to embitter our social relations, and to destroy those feelings of brotherhood which should ever exist amongst the pioneers of a new country whose peculiar duty it is to help one another in molding and directing the destinies of a young empire, which we trust will be our pride and the glorious herit age of our children.

The duties of a laborious and protracted session were about drawing to a close, and congratulations were general amongst the members, that the records of one term at least of the Nebraska Legislature would not be stained with the foot-prints of strife. We were felicitating ourselves upon the passage of criminal and civil codes, a revenue law, and other laws of a general nature which the public wants demanded. But a few days of the session still remained, and upon their labors hung the fate of the school law, a homestead law, and a license law, which were second to none in their importance and in their effect upon the well being of society. It is to be deplored that there was a single member in this hall who would not rather consecrate his efforts to the passage of these laws rather than to the introduction of a measure which can have no practical effect other than to sow dissension and discord amongst our people.

Slavery does not exist in this Territory in any practical form, and can not so exist without affirmative legislation, recognizing the right of property in slaves, and regulating the mode of protecting and controlling them, and of enforcing that right. The abstract right under the constitution which is claimed by some, is in fact only an inchoate right, which can have no practical importance in the absence of local police regulations upon the subject. In the absence then of any such legislation upon the subject—in the absence of any effort on the part of any member of either branch of the Legislature to introduce legislation for the protection of slavery, the minority of your committee deem it not only unnecessary but extremely unwise and unpatriotic, in the present state of the public mind, to hurl this fire-brand of strife into our peaceful Territory. The page of blood which Kansas has furnished to the history of the world, should have been a warning to the fell hand which has attempted to strike such a blow at our peace and quiet.

The minority of your committee would therefore recommend the indefinite postponement of the bill. Let the pages of our journals be ever free from an allusion to the subject, and Nebraska will grow old in her career of glory, and the word slavery, either for negative or positive purposes, will never disgrace the fair pages of our statute book.

All of which is most respectfully submitted,

D. P. RANKIN,
WM. C. FLEMING.

Mr. Steinberger moved that the House now resolve itself into Committee of the Whole to take into consideration

H. B. No. 131, " A bill for an act to abolish slavery in the Territory of Nebraska,"

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Cass, Daily, Dean, De Puy, Lee, Marquette, Ramsey, Steinberger, Stewart, Taffe, Wattles, Young.—13.

Nays—Messrs. Bramble, Clayes, Collier, Fleming, Kline, Rankin, Steele.—7.

Carried.

The House now went into Committee of the Whole.

Mr. Steinberger in the chair.

After some time being spent therein the committee rose, and

There being no quorum present, the House adjourned at 10 o'clock P. M.

WEDNESDAY, November 3, 1858.

House met at the usual hour.

Prayer by the Chaplain.

Journal read and approved.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 2, 1858.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C. B. No. 119, "A bill for an act requiring county clerks to give bond," and

C. B. No. 138, "A bill for an act for the appointment of masters in chancery,"

And the concurrence of the House is respectfully requested.

S. M. CURRAN, Chief Clerk.

Mr. Noel from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor for his appproval or rejection

"An act to regulate ferries," and

"An act to incorporate the Nebraska City Gas Light and Coke Company."

Mr. Fleming, on leave, introduced

H. B. No. 146, "Joint resolution to compensate Henry Crowell for services as Page of the House of Representatives,"

Read first, second and third time, passed and title agreed to.

C. B. No. 141, "Joint resolution to compensate Wm. A. Gwyer, Jr., for services as Page of the Council,"

Read first, second and third time, passed and title agreed to.

The majority and minority reports on

H. B. No. 131, "An act to abolish slavery in the Territory of Nebraska,"

Was now taken up.

Mr. Seymour moved the adoption of the majority report, and

On that moved the previous question,

Which was sustained.

Pending the question,

Shall the main question be now put?

Mr. Gwyer moved that both majority and minority reports be laid on the table,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Clayes, Collier, Doom, Fleming, Gwyer, Kline, Mason, Noel, Ramsey, Rankin, Roeder, Steele, Steinberger.—14.

Nays—Messrs. Briggs, Davis of Cass, Daily, Dean, De Puy, Lee, Marquette, Seymour, Stewart, Taffe, Wattles, Young.—12.

Carried.

H. B. No. 44, "A bill to authorize G. W. Hunt to keep a mill dam across the south branch of Weeping Water,"

Taken up and amendments of the Council concurred in.

C. B. No. 110, "A bill for an act to locate and establish a territorial road from St. Stephens, Richardson county, to intersect the Military road from Fort Leavenworth to Fort Kearney,"

Read third time, passed and title agreed to.

Mr. Mason, from Committee on Judiciary, to which was referred

C. B. No. 98, "An act to incorporate the Merchants' and Mechanics' Fire and Marine Insurance Company,"

Also,

C. B. No. 118, "A bill for an act to authorize Hueston Nuckolls, J. G. Lewis and Stephen Story, their associates and assigns, to establish and keep a ferry across the Missouri river, at St. Stephens, in Richardson county,"

Also,

H. B. No. 73, "An act for the limitation of actions,"

Also,

C. B. No. 45, "A bill for an act to amend an act entitled 'justices courts,'"

Reported the same back, and recommended they do not pass,

Also,

H. B. No. 88, "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," and

H. B. No. 115, "A bill for an act relative to the privilege of members of the Legislative Assembly,"

Without recommendation,

Also,

C. B. No. 25, "A bill for an act to authorize justices of the peace to administer oaths and regulate their fees,"

Without amendment, and recommended its passage.

Mr. Rankin, from Committee on Roads, on leave, introduced

H. B. N. 147, "A bill for an act to locate a territorial road from Decatur to Niobrarah,"

Read first and second time

Mr. Seymour, from Joint Committee of Conference, to which was referred

C. B. No. 3, "A bill for an act to exempt the homestead of families from forcible sale,"

Reported the same back and recommended its passage in the shape in which it passed the Council.

Mr. Gwyer from same committe submitted the following

MINORITY REPORT:

The undersigned one of a joint committee to whom was referred a bill entitled, "An act to exempt the homestead of families from forcible sale,"

Having had the same under consideration and been unable to agree with a majority of said committee, begs leave to submit the following

MINORITY REPORT:

That in the opinion of your committee the bill under consideration is not such a homestead bill as will meet the approval of a majority of the citizens of this Territory.

The undersigned is firmly impressed with the opinion that a homestead bill having as its principal feature a limitation in value, is best adapted to the wants of the people of the Territory, and will best subserve the interest of the creditor as well as the debtor.

Entertaining these views and having been appointed on the part of the House, which by a decisive vote insisted on the amendment offered to the bill, the undersigned is compelled by the force of his own convictions, as well as by his duty to the House which appointed him, to dissent from the action of the majority of the committee.

For these, as well as other reasons not stated, I beg leave to report in favor of insisting upon the amendment offered to the bill in the House, in order too, by this action, if possible, to prevent the passage of the act.

WM. A. GWYER.

Mr. Seymour now moved that the House recede from its amendment to the bill.

Mr. Gwyer moved to lay the motion on the table,

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Clayes, Collier, Davis of Cass, Daily, Dean, De Puy, Fleming, Gwyer, Hall, Marquette, Noel, Ramsey, Roeder, Taffe, Young.—16.

Nays—Messrs. Bramble, Davis of Washington, Kline, Lee, Mason, Norwood, Rankin, Seymour, Steele, Steinberger, Stewart, Wattles.—12.

Carried.

Mr. Clayes moved to indefinitely postpone the whole subject matter, and

On that moved the previous question,

Which was sustained, and

The main question ordered.

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Clayes, Collier, Davis of Cass, Daily, De Puy, Fleming, Gwyer, Hall, Marquette, Ramsey, Roeder, Taffe, Young.—14.

Nays—Messrs. Bramble, Davis of Washington, Dean, Kline, Lee, Mason, Noel, Norwood, Rankin, Seymour, Steele, Steinberger, Stewart, Wattles, Speaker.—15.

Lost.

Mr. Bramble moved to adopt the majority report.

On which he moved the previous question.

Which was sustained, and

The main question ordered,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Davis of Washington, Doom, Kline, Lee, Mason, Noel, Rankin, Seymour, Steele, Steinberger, Stewart, Wattles.—13.

Nays—Messrs. Briggs, Clayes, Collier, Davis of Cass, Daily, Dean, De Puy, Fleming, Gwyer, Hall, Marquette, Norwood, Ramsey, Roeder, Taffe, Young.—16.

Lost.

C. B. No. 150, "Joint resolution relative to the adjournment of the present session of the Legislature,"

Was now taken up.

Mr. Davis of Washington moved to lay the bill on the table.

On which the ayes and nays were called:

Ayes—Messrs. Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Kline, Marquette, Noel, Norwood, Ramsey, Roeder, Seymour, Steele, Stewart, Taffe, Wattles, Young.—19.

Nays—Messrs. Bramble, Briggs, Clayes, Fleming, Gwyer, Hall, Lee, Mason, Rankin, Steinberger.—10.

Carried.

Mr. Seymour, on leave, introduced

H. B. No. 148, "A bill for an act to incorporate the Omaha City Gas and Coke Company,"

Read first and second time, and referred to Committee on Corporations.

Mr. Clayes, from special committee, to which was referred

C. B. No. 103, "A bill for an act to amend an act entitled 'An act to incorporate the city of Omaha,"

Reported the same back without amendment, and commended its passage.

H. B. No. 52, "A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county, N. T.,"

Taken up, and

Amendment proposed by the Council concurred in.

C. B. No. 143, "A bill for an act to establish and keep a ferry and toll bridge across the Big Blue river, in Gage county,"

Read first and second time, and referred to Committee on Corporations.

H. B. No. 147, "A bill for an act to locate a territorial road from Decatur to Niobrarah,"

Read a third time, passed and title agreed to.

C. B. No. 103, "A bill for an act to amend an act entitled 'A bill to incorporate the city of Omaha,' "

Read third time, passed and title agreed to.

C. B. No. 138, "A bill for an act for the appointment of masters in chancery,"

Read first, second and third time, passed and title agreed to.

H. B. No. 95, "A bill for an act to prevent trespassing on timber lands,"

Was now taken up.

Mr. Mason moved to adopt amendment reported by Committee on Judiciary.

Lost.

Mr. Stewart moved to recommit the bill to a select committee of three.

Carried.

Committee—Messrs. Stewart, Taffe and Kline.

Mr. Stewart, from Committee on Corporations, to which was referred

C. B. No. 126, "A bill for an act to authorize Charles Martin and others to establish and keep a ferry at Rulo, Richardson county,"

C. B. No. 53, "A bill for an act to authorize Heath Nuckolls and N. J. Sharp to keep a ferry at Yancton," and

H. B. No. 148, "A bill for an act to incorporate the Omaha City Gas Light and Coke Company,"

Reported the same back without amendment and recommended their passage,

C. B. No. 123, "A bill for an act to amend an act entitled an act to incorporate the Florence Bridge Company,"

Read third time, passed and title agreed to.

H. B. No. 30, "An act to repeal certain acts of the Legislative Assembly of the Territory of Nebraska,"

Was taken up.

Mr. Steele moved to amend by striking out "An act to incorporate the Bank of Florence,"

On which motion Mr. Bramble moved the previous question,

Which was sustained, and the main question ordered,

On which the ayes and nays were called:

Ayes—Mr. Steele.—1.

Nays—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Daily, Dean, Doom, Fleming, Gwyer, Hall, Kline, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Seymour, Steinberger, Stewart, Taffe, Wattles, Young.—24.

Lost.

The bill was now read third time and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Daily, Dean, Doom, Fleming, Gwyer, Hall, Kline, Marquette, Mason, Noel, Ramsey, Rankin, Roeder, Seymour, Steinberger, Taffe, Wattles.—21.

Nays—Messrs. Davis of Cass, Lee, Steele, Stewart, Young.—5.

Carried

Bill passed and title agreed to.

C. B. No. 119, "A bill for an act requiring county clerks to give bonds,"

Read first, second and third time, passed and title agreed to.

C. B. No. 89, "An act to grant a ferry charter at the town of Hoobrah, across the Missouri river,"

Read third time, passed and title agreed to.

H. B. No. 50, "An act to establish and keep a ferry across the Missouri river, between La Platte mill and a point due east of the south line of the Mission reserve at Bellevue,"

Was now taken up.

Mr. Clayes moved to indefinitely postpone the bill.

Lost.

Question had on reading third time.

Carried.

Bill read third time, passed and title agreed to.

H. B. No. 135, "A bill for an act to establish the county of Merick, and define the boundaries and locate the county seat thereof,"

Read third time, passed and title agreed to.

H. B. No. 140, "A memorial and joint resolution, asking Congress for an additional appropriation of thirty thousand dollars, to complete the Capitol building of the Territory of Nebraska,"

Read third time, passed and title agreed to.

Mr. Roeder, from Committee on Common Schools, to which was referred

C. B. No. 131, "Joint memorial and resolution relative to the school lands,"

Reported the same back without amendment, and recommended its passage,

The bill was then read third time, passed and title agreed to.

Mr. Stewart, from special committee, to which was referred

H. B. No. 95, "A bill for an act to prevent trespassing on timber lands,"

Reported the same back with amendment, and recommended its passage.

Mr. Wattles, on leave, introduced

H. B. No. 149, "A bill for an act to restrain cattle, sheep, horses and swine from running at large in Sarpy county,"

Read first, second and third time, passed and title agreed to.

H. B. No. 107, "A bill for an act to incorporate the town of Mahala city, and locate the county seat of Butler county,"

Read first, second and third time, passed and title agreed to.

C. B. No. 139, "A bill for an act to incorporate the town of Parkersburgh,"

Read third time, passed and title agreed to.

The following message from the executive was received:

Executive Department, Omaha City,
November 3, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act regulating ferries,"

Also,

"An act to incorporate the Nebraska City Hydraulic Gas Light and Coke Company."

J. McCONIHE,
Private Secretary.

C. B. No. 109, "An act to amend an act to locate a territorial road in Cass county," Read third time.

Question then had on the passage of the bill.

Lost.

H. B. No. 108, "Memorial and joint resolution relative to a mail route,"

Read third time passed and title agreed to.

Mr. Briggs moved to take a recess until 2½ o'clock P. M.

Carried.

2½ o'clock, P. M.

House called to order.

H. B. No. 109, "Memorial and joint resolution, praying Congress to pass a special act for the relief of John B. and Wm. Bennet,"

Was taken up, and

Amendments of the Council concurred in.

H. B. No. 95, "A bill for an act to prevent trespassing on timber lands,"

Was taken up, and

On motion,

The amendments reported by committee adopted.

The bill was then read third time, passed and title agreed to.

Mr. Gwyer, from a special committee, submitted the following

MINORITY REPORT:

The minority of the committee, to whom was referred the protest of Messrs. Gwyer, Collier, Clayes and Clark, respectfully report:

That the protestants have not at any time claimed that questions of order, raised upon motions that were withdrawn, should be entered upon the journal; but they have claimed the questions of order raised upon motion, that were entertained and carried, should be entered on the journal.

The minority of this committee report that the statement of facts contained in the protest true, and the records are incomplete and incorrect, and the project should be entered on the journal as the true history of the proceedings.

WILLIAM A. GWYER.

Mr. Clayes, on leave, introduced

H. B. No. 150, "A bill for an act entitled an act for the relief of paupers,"

Mr. Rankin moved that it be referred to a special committee of three.

Carried.

Committee—Messrs. Rankin, Norwood, Clayes.

H. B. No. 35, "A bill for an act to enable the trustees of colleges, academies, universities, and other institutions for the purpose of promoting education to become bodies corporate,"

Read a third time, passed and title agreed to.

The following message was then received from the Council:

COUNCIL CHAMBER,
Nov. 3, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 74, "An act to relocate the seat of justice of Washington county."

H. B. No. 22, "A bill to apportion the members of the House of Representatives of the Territory of Nebraska,"

The same having passed the Council without amendment.

I also return you

H. B. No. 109, "Memorial and joint resolution praying Congress to pass a special act for the relief of John B. and William Bennet."

The same having passed the Council, with the amendments thereto attached.

I will also inform you that the Council has concurred to the amendments of the House.

C. B. No. 94, "An act to provide for repairing the road at the Military bridge.

I also return

H. B. No. 146, "Joint resolution to compensate Henry Crowell for services rendered as Page of the House of Representatives."

H. B. No. 119, "Joint resolution for the determination adjudication of the claims of the Code Commissioners of 1855, and their clerks."

H. B. No. 81, "An act to dissolve the bonds of matrimony between Mary Burton and John N. Burton.

H. B. No. 114, "An act to amend an act to incorporate the city of Wyoming."

H. B. No. 136, "A bill for an act to change the boundaries of Calhoun county,"

H. B. No. 133, "A bill for an act to locate a territorial road from Decatur to De Soto,"

The same having passed the Council without amendment.

I have also to inform you that the Council has passed

C. B. No. 156, "A bill for an act concerning commission merchants, and a substitute for an act regulating the disposal of unclaimed property in certain cases,"

The same being a substitute for House Bill No. 79.

C. B. No. 154, "Joint resolution to compensate T. H. Roberson for services performed," and

C. B. No. 155, "An act to authorize interest on county orders,"

In all of which the concurrence of the House is respectfully solicited.

S. M. CURRAN, Chief Clerk.

C. B. No. 135, "An act to incorporate the city of Fort Calhoun, Nebraska,"

Read a third time, passed and title agreed to.

H. B. No. 134. "A bill for an act to establish a ferry on the Elkhorn river at Fontenelle,"

Read third time, passed and title agreed to.

H. B. No. 110, "A bill for an act to authorize O. A. Hinebaugh and others to build a dam across Maple creek,"

Read a third time, passed and title agreed to.

Mr. Clayes moved that

H. B. No. 150, "A bill for an act entitled 'An act for the relief of paupers,'"

Be now taken up.

Read a third time, and put on its passage.

Carried.

Bill read a third time, passed and title agreed to.

H. B. No. 40, "An act for the encouragement and protection of live fences,"

Read the third time, passed and title agreed to.

C. B. No. 154, "Joint resolution to compensate T. H. Robertson for services,

Was taken up.

Mr. Bramble moved to suspend rules, and read bill first, second and third time, and put on its passage,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Doom, Fleming, Gwyer, Hall, Kline, Noel, Ramsey, Roeder, Steele, Steinberger.—14.

Nays—Messrs. Davis of Cass, Daily, Dean, Lee, Marquette, Norwood, Taffe, Wattles, Young.—9

A two-third vote being required, the motion was lost.

C. B. No. 156, "A bill for an act concerning commission merchants," substitute for

H. B. No. 79, "An act regulating the disposal of unclaimed property in certain cases,"

Was taken up.

On motion of Mr. Clayes,

Indefinitely postponed.

C. B. No. 155, "An act to authorize interest on county orders,"

Read first, second and third time, passed and title agreed to.

The following message from the Governor was received:

Executive Department,
Omaha City, Nov. 3, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has this day signed and approved the following bills, to wit:

"An act to authorize S. B. Stough, Henry A. Fuller and Adam Smith to erect a mill dam across Aowaye creek, at Ponca, Dakota county,"

"A bill for an act to authorize R. W. Frame to keep a ferry across the Missouri river at Peru, Nemaha county, Nebraska Territory," "An act to authorize Geo. W. Hunt to keep a mill dam across the south branch of the Weeping Water, in Cass county."

J. McCONIHE,
Private Secretary.

Mr. Mason, from Committee on Judiciary, to whom was referred

C. B. No. 26, "A bill for an act making certain instruments of writing negotiable,"

Reported the same back with sundry amendments, and recommended its passage.

On motion,

The amendments were adopted.

The bill was then read a third time, passed and title agreed to.

H. B. No. 129, "A bill for an act to regulate the appointment and define the powers and duties of notaries public,"

Read a third time, passed and title agreed to.

C. B. No. 108, "An act to legalize the acts of certain commissioners of deeds, and for other purposes,"

Read a third time, passed and title agreed to.

H. B. No. 99, "A bill for an act to prevent the taking away of books, laws, records and other documents, from the territorial library,

Taken up.

On motion of Mr. Mason,

Amendments proposed by committee were adopted.

The bill was then read a third a time, passed and title agreed to.

Mr. Clayes, from special committee, to which was referred

H. B. No. 102, "An act to regulate inclosures and to provide against trespassing animals,"

Reported same back without amendment and recommended its passage.

The bill was then read a third time, passed and title agreed to.

C. B. No. 145, "Joint resolution relative to compensate H. M. Judson for services in copying the Civil Code,"

Read a second and third time, passed and title agreed to.

Mr. Noel, from Committee on Engrossed and Enrolled Bills, reported that he had this day presented to the Governor, for his approval or rejection,

"An act to relocate the seat of justice of Washington county,"

C. B. No. 99, "An act to establish a ferry opposite Strick-the-Rees Camp, in Minnesota Territory,"

Read the third time, passed and title agreed to.

H. B. No. 72, "A bill for an act to establish a territorial road from Florence to the bridge on the Little Pappillion,"

Read a third time, passed and title agreed to.

C. B. No. 122, "A bill for an act to amend an act to incorporate the Platte Valley and Pacific Rail Road Company,"

Read a second and third time.

Mr. Collier moved to indefinitely postpone the bill,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Doom, De Puy, Fleming, Lee, Marquette, Noel, Roeder, Steinberger, Young.—15.

Nays—Messrs. Briggs, Gwyer, Hall, Norwood, Seymour, Steele, Stewart, Taffe, Wattles.—9.

Carried.

H. B. No. 5, "An act entitled an act to relocate county seats,"

Was taken up.

On motion,

Laid on the Speaker's table.

H. B. No. 100, "A bill for an act to establish and keep a ferry on the Platte river, at Fort Kearney,"

Was taken up, and

On motion,

The amendments proposed by committee were adopted.

The bill was then read the third time, passed and title agreed to.

H. B. No. 104, "An act to incorporate the Omaha City and Great Salt Lake Telegraph Company,"

Taken up with sundry amendments reported by committee.

Mr. Gwyer moved to adopt the amendments.

Mr. Clayes moved to indefinitely postpone the bill,

On which Mr. Rankin moved the previous question.

Sustained and main question ordered,

On which the ayes were called:

Messrs. Gwyer, and Steinberger were excused from voting.

Ayes—Messrs. Clayes, Collier, Davis of Cass, Daily, Dean, Doom, Fleming, Hall, Mason, Norwood, Ramsey, Steele, Taffe, Wattles, Young.—15.

Nays—Messrs. Bramble, Kline, Noel, Rankin, Seymour, Stewart.—6.

Carried.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day presented to the Governor for his approval or rejection

"An act to apportion the members of the House of Representatives of the Territory of Nebraska."

H. B. No. 111, "An act to incorporate the Blue Springs Bridge and Ferry Company,"

Read a third time, passed and title agreed to.

Mr. Clayes, from Committee on Banks and Currency, to whom was referred

H. B. No. 96, "A bill for an act to authorize the Bank of Nebraska to deposit securities for the issues with the Auditor of the Territory,"

Reported the same back without amendment, and recommended its passage.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT,
Omaha City, Nov. 3, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body, that he has signed and approved

"An act to apportion the members of the House of Representatives of the Territory of Nebraska."

J. McCONIHE,
Private Secretary.

C. B. No. 134, "A bill for an act to authorize the appointment of county commissioners in Platte county,"

Read a third time, passed and title agreed to.

H. B. No. 36, "A bill for an act to incorporate the Ionia Town and Ferry Company,"

Was now taken up, and

On motion of Mr. Bramble,

Indefinitely postponed.

C. B. No. 97, "An act to incorporate the Fort Calhoun and Iowa Ferry Company,"

Taken up and the amendments reported by the committee adopted.

The bill was then read a third time, and

On motion of Mr. Young,

Indefinitely postponed.

Mr. Noel from Committee on Engrossing and Enrolling Bills reported that he had this day presented to the Governor for his approval or rejection

An act to consolidate the towns of Rock Bluffs and North Rock Bluffs and to incorporate Rock Bluffs city.

C. B. No. 101, "To lay out and establish a territorial road from Aspinwall in Nemaha county to Pawnee city in Pawnee county,"

Read a third time, passed and title agreed to.

H. B. No. 21, "A bill for an act to make legal the collection of taxes for the year A. D. 1857,"

Was taken up.

Mr. Doom moved that the rules be suspended and the bill read a third time by its title and put on its passage.

Mr. Steele moved to indefinitely postpone the bill.

On which the ayes and nays was called:

Ayes—Messrs. Briggs, Daily, De Puy, Fleming, Gwyer, Kline, Noel, Norwood, Ramsey, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe, Wattles.—16.

Nays—Messrs. Davis of Cass, Dean, Doom, Hall, Lee, Marquette, Mason, Young.—8.

Carried.

Message from the Governor:

EXECUTIVE DEPARTMENT, Omaha City,
November 3, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body that he has signed and approved the following bills, to wit:

An act to relocate the seat of justice of Washington county."

"An act to consolidate the towns of Rock Bluffs and North Rock Bluffs, and to incorporate Rock Bluffs city.

J. McCONIHE,
Private Secretary.

C. B. No. 95, "A bill for an act to amend an act establishing a ferry at Nemaha city,"

Read a third time.

Mr. Mason moved to indefinitely postpone the bill.

Mr. Stewart moved to lay the motion on the table.

Carried.

The question was then had on the passage of the bill.

Bill passed and title agreed to.

H. B. No. 58, "A bill for an act to incorporate the Nashville Coal and Mining Company,"

Read the third time, passed and title agreed to.

Messrs. Miller and Taylor, a special committee from the Council, appeared and announced that the Council was ready to adjourn *sine die*.

Mr. Clayes moved to take up

C. B. No. 23, "A bill for an act providing for the better regulation of schools in Nebraska,"

On which he called the previous question.

Sustained.

Question,

Shall the main question now be put?

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Clayes, Collier, Davis of Washington, Fleming, Gwyer, Hall, Mason, Noel, Norwood, Ramsey, Rankin, Roeder, Seymour, Steele, Wattles.—16.

Nays—Messrs. Davis of Cass, Daily, Dean, Doom, De Puy, Stewart, Taffe.—7.

Carried.

Main question ordered.

Question,

Shall the bill be taken up?

Carried.

The bill was now taken up.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day presented to the Governor, for his approval or rejection "An act to change and redefine the boundaries of Calhoun county.

Mr. Daily moved that

C. B. No. 23, "A bill for an act providing for the better regulation of schools in Nebraska,"

Be laid on the table,

On which the ayes and nays were called:

Ayes—Messrs. Davis of Cass, Daily, Dean, Doom, Lee, Marquette, Steele, Stewart, Taffe, Young.—10.

Nays—Messrs. Bramble, Briggs, Clayes, Collier, Fleming, Gwyer, Hall, Kline, Mason, Noel, Norwood, Ramsey, Rankin, Roeder, Seymour, Steinberger, Wattles.—17.

Lost.

Mr. Clayes moved to suspend the rules, and read the bill the third time by its title, and put it on its passage,

On which he moved the previous question,

Sustained.

Message from the Governor:

EXECUTIVE DEPARTMENT, Omaha City,
November 3, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved "An act to change and re-define the boundaries of Calhoun county."

J. McCONIHE,
Private Secretary.

Mr. Daily moved that the House now adjourn.

Lost.

Mr. Steele moved to lay the motion to read the bill the third time on the table,

On which the ayes and nays were called:

Ayes—Messrs. Davis of Cass, Daily, Dean, Doom, Kline, Roeder, Stewart, Taffe, Young.—9.

Nays. Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Fleming, Gwyer, Hall, Mason, Noel, Norwood, Rankin, Seymour, Steele, Wattles.—15.

Lost.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 3, 1858.

Mr. Speaker:

I am instructed to inform your honorable body, that the following bills have passed the Council, and the concurrence of the House is requested:

C. B. No. 120, "A bill for an act to incorporate the Yancton Land Company,"

C. B. No. 153, "A bill for an act to compensate registers of land offices for certain service,"

C. B. No. 158, "A bill for an act to legalize the acts of the county clerk and his deputies in Nemaha county,"

C. B. No. 157, "A bill for an act to provide for the safe keeping of the public arms of the Territory."

I also return to your honorable body

H. B. No. 126, "A bill for an act to provide for the holding of district courts in Dixon county,"

H. B. No. 137, "A bill for an act to incorporate the Cuming City Ferry Company,"

H. B. No. 118, "Joint resolution and memorial, asking an appropriation to construct a bridge over the Platte river,"

H. B. No. 132, "An act to establish a ferry across the Platte river at the mouth of Salt creek, Sarpy county,"

H. B. No. 67, "An act to organize the county of Hall, to define the boundaries and locate the county seat thereof,"

H. B. No. 144, "A bill for an act to fix the time of convening the Legislative Assembly,"

H. B. No. 105, "A bill for an act to change the name of Charley Shephard to Charley Ford,"

H. B. No. 84, "A bill for an act to locate a territorial road from Ionia, Dixon county, to Fontenelle, Dodge county,"

H. B. No. 101, "A bill for an act to emunerate James Van Nostrand for services rendered."

H. B. No. 78, "An act ty incorporate the town of Pawnee city."

H. B. No. 106, "A bill for an act to locate a territorial road from Decatur to Columbus and Cleveland."

H. B. No. 140, "A memorial praying Congress for an appropriation for $30,000 to complete the capitol buildings for the Territory of Nebraska."

H. B. No. 85, "A bill for on act to incorporate the Salt Creek Bridge and Ferry Company."

H. B. No. 129, "A bill for an act to regulate the appointment and define the powers and duties of notaries public."

H. B. No. 76, "An act securing the benefits of the writ of habeas corpus."

H. B. No. 39, "A bill for an act to restrain sheep and swine from running at large in Cass, Otoe, Nemaha, Richardson and Pawnee counties."

H. B. No. 95, "A bill for an act to prevent trespassing on timber lands."

The same having passed the Council without amendment.

I also inform you that the Council has passed

C. B. No. 160, "A bill for an act to legalize the collection of taxes in the county of Cass A. D. 1857,"

And the concurrence of the house is requested.

I also return you

H. B. No. 82, "A bill for an act to incorporate the Missouri River and Nemaha Valley Rail Road Company."

The same having passed the House with the amendment thereto attached.

S. M. CURRAN, Chief Clerk.

Question,

On reading the bill a third time by its title, and putting it on its passage.

Carried.

Bill read a third time by title, and put on its passage.

The ayes and nays were called:

Messrs. Daily, Dean, Doom, Steele, Steinberger, Stewart were excused from voting on the passage of the bill.

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Fleming, Gwyer, Hall, Mason, Noel, Norwood, Ramsey, Seymour, Wattles.—13.

Nays—Messrs. Davis of Cass, Davis of Washington, Kline, Lee, Roeder, Taffe, Young.—7.

Carried.

Mr. Taffe moved that the House do now adjourn.

Lost.

Mr. Gwyer moved that a committee of three be appointed to wait on the Council, and inform that body that the House will be ready to adjourn *sine die* to-morrow, at 1 o'clock P. M.,

On which he moved the previous question.

Sustained.

Main question ordered,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Fleming, Gwyer, Hall, Lee, Mason, Norwood, Ramsey, Roeder, Wattles, Speaker.—15.

Nays—Messrs. Davis of Cass, Daily, Dean, Doom, De Puy, Kline, Marquette, Noel, Seymour, Steele, Steinberger, Stewart, Taffe, Young.—14.

Carried.

The Speaker appointed Messrs. Gwyer, Collier and Dean, said committee.

Mr. Collier moved that the House do now adjourn.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Collier, Davis of Washington, Doom, De Puy, Fleming, Hall, Kline, Norwood, Seymour, Steinberger, Stewart, Taffe, Wattles.—15.

Nays—Messrs. Clayes, Davis of Cass, Daily, Dean, Gwyer, Lee, Marquette, Mason, Noel, Ramsey, Roeder, Steele, Young.—13.

Carried

The House adjourned at 5½ o'clock P. M.

THURSDAY, November 4, 1858.

House met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. Kline,

The reading of the journal was dispensed with.

Mr. Collier, on leave, introduced

H. B. No. 151, "A bill for an act supplemental to an act entitled 'An act to establish a Code of Civil Procedure,'"

On motion,

Read first, second and third time, passed and title agreed to.

Mr. Daily introduced

H. B. No. 152, "A bill for an act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,"

On motion,

Read first, second and third time, and put upon its passage.

On which the ayes and nays were called:

Ayes—Messrs. Clayes, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Kline, Lee, Marquette, Mason, Noel, Norwood, Stewart, Wattles, Young.—15.

Nays—Messrs. Briggs, Fleming, Ramsey, Roeder, Steele, Steinberger.—6.

Carried.

Bill passed and title agreed to.

C. B. No. 160, "A bill for an act to legalize the collection of taxes in the county of Cass, for the year A. D. 1857,"

On motion,

Read first, second and third time, passed and title agreed to.

H. B. No. 82, "A bill for an act to incorporate the Missouri River and Nemaha Valley Railroad Company,"

Was taken up.

Mr. Fleming moved to concur in amendment proposed by the Council.

The following message from His Excellency the Governor was received:

Executive Department, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body, that he has signed and approved the following bills, to wit:

"A joint resolution for the determination and adjudication of the claims of the code commissioners of 1855, and their clerks,"

"Joint memorial to the honorable the Senate and House of Representatives of the United States in Congress assembled."

J. McCONIHE,
Private Secretary.

Also,

The following message from the Council:

COUNCIL CHAMBER,
Nov. 3, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 139, "A bill for an act to regulate the disposal and entry of town sites,"

The same having passed the Council, with the amendments thereto attached.

I also return you

H. B. No. 40, "An act for the encouragement and protection of live fences,"

H. B. No 35, "A bill for an act to enable the trustees of colleges, universities, &c., to become bodies corporate,"

H. B. No. 111, "An act to incorporate the Blue Springs Bridge and Ferry Company,"

H. B. No. 99, "A bill for an act to prevent the taking away of books, laws, records and other documents from the territorial library,"

H. B. No. 108, "Memorial and joint resolution relative to a mail route,"

The same having passed the Council without amendment.

I am also instructed to inform you, that the Council has concurred in the amendment of the House to

C. B. No. 26, "A bill for an act entitled an act making certain instruments of writing negotiable,"

Also,

That the Council has refused to concur in the amendments of the House to

C. B. No. 42, "An act to amend an act entitled an act establishing the mode of locating and changing county seats."

S. M. CURRAN, Chief Clerk.

Mr. Gwyer moved to lay the motion to concur on the table.

On which the ayes and nays were called:

Ayes—Messrs. Daily, De Puy, Gwyer, Roeder, Seymour.—5.

Nays—Messrs. Bramble, Briggs, Dean, Doom, Fleming, Hall, Kline, Lee Marquette, Mason, Norwood, Ramsey, Rankin, Stewart, Young.—15.

Lost.

The question was now had on the motion to concur,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Davis of Cass, Davis of Washington, Daily, Dean, Doom, Fleming, Gwyer, Hall, Lee, Marquette, Mason, Noel, Norwood, Ramsey, Roeder, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—24.

Nays—Messrs. Rankin, Seymour.—2.

Carried.

C. B. No. 64, "A bill for an act to incorporate the Fremont Ferry Company,"

Was read third time, passed and title agreed to.

Mr. Fleming, on leave, introduced

H. B. No. 152½, "Joint resolution requesting the Secretary of the Territory to furnish copies of the printed laws and journals to the officers and members of the Legislative Assembly,"

Was, on motion, read first, second and third times, passed and title greed to.

Mr. Noel, Committee on Enrolling and Engrossing Bills, reported that he had this day presented to the Governor, for his approval or rejection,

"An act for fixing the time for convening the Legislative Assembly,"

"An act to remunerate Jas. W. Van Nostrand for services rendered the Committee on Judiciary in the House of Representatives,"

" Joint resolution to compensate Henry Crowel, Page of the House of Representatives; for services rendered,"

"An act to incorporate the Salt Creek Bridge and Ferry Company,"

"An act to provide for the holding of district courts in the county of Dixon,'

"A joint resolution praying Congress for a special act for the relief of John B. and William Bennet,"

"An act to dissolve the bonds of matrimony between Mary Burton and John N. Burton."

Mr. Rankin moved to take up the following resolution, introduced on yesterday and laid over under rule:

Resolved, That the thanks of the House are due to our Speaker, Hon. H. P. Bennet, for the able and impartial manner in which he has discharged the responsible and difficult duties of Speaker of the House during the present session of the Legislature."

Carried.

Mr. Rankin now moved that the resolution be adopted,

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Fleming, Hall, Lee, Marquette, Mason, Noel, Norwood, Ramsey, Rankin, Roeder, Seymour, Steele, Steinberger, Stewart, Taffe, Wattles, Young.—26.

Nays—Messrs. Clayes, Gwyer.—2.

Carried.

The following message was received from the Council:

Council Chamber,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body,

H. B. No. 150, "A bill for an act entitled an act for the relief of paupers,"

H. B. No. 151, "A bill for an act supplemental to an act entitled 'An act to establish a Code of Civil Procedure,'"

The same having passed the Council without amendment.

I have also to inform you that the Council has adopted

"Joint resolution relative to adjournment,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Mason, from the Committee on Judiciary, reported

H. B. No. 153, "A bill for an act to amend an act entitled 'An act for the appointment of masters in chancery,'"

Which was read first, second and third time, passed and title agreed to.

Mr. Gwyer moved that the House do now take up the joint resolution relative to adjournment.

Mr. Davis of Cass moved to lay the motion on the table.

On which motion the ayes and nays were called:

Ayes—Messrs. Davis of Cass, Daily, Kline, Marquette, Steele, Steinberger, Stewart, Taffe.—8.

Nays—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Dean, Doom, De Puy, Fleming, Gwyer, Hall, Lee, Mason, Norwood, Ramsey, Roeder, Seymour, Wattles, Young.—19.

Lost.

Question on taking up the resolution being now put,

Was carried.

Mr. Clayes moved that the resolution be now read and put on its passage.

Mr. Taffe moved to lay the motion on the table.

On which the ayes and nays were called:

Ayes—Messrs. Davis of Cass, Daily, Doom, Kline, Marquette, Steele, Stewart, Taffe.—8.

Nays—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Dean, Fleming, Gwyer, Hall, Lee, Mason, Norwood, Ramsey, Roeder, Seymour, Wattles, Young.—17.

Lost.

The question now being shall the resolution be now read and put upon its passage,

The ayes and nays were demanded:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Dean, De Puy, Fleming, Gwyer, Hall, Mason, Norwood, Ramsey, Rankin, Roeder, Young.—16.

Nays—Messrs. Davis of Cass, Daily, Doom, Kline, Marquette, Seymour, Steele, Steinberger, Stewart, Taffe, Wattles.—11.

Carried.

The resolution was now read and on its passage

The ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Washington, Dean, Fleming, Gwyer, Hall, Mason, Norwood, Ramsey, Roeder, Wattles.—14.

Nays—Messrs. Davis of Cass, Daily, Doom, Kline, Marquette, Seymour, Steele, Stewart, Taffe, Young.—11.

Carried.

Mr. Lee, from the Committee on Engrossing and Enrolling Bills, made the following report:

The Committee on Engrossing and Enrolling Bills beg leave to report, that they have this day presented to the Governor for his approval or rejection

H. B. No. 129, "An act to regulate the appointment and define the powers and duties of notaries public."

Also,

H. B. No. 132, "An act to establish a ferry across the Platte, at the mouth of Salt creek, Sarpy county,"

Also,

H. B. No. 78, "An act to incorporate the town of Pawnee city,"

H. B. No. 67, "An act to organize the county of Hall, to define the boundaries and to locate the county seat thereof,"

Also,

H. B. No. 140, "A memorial praying Congress for an additional appropriation of $30,000 to complete the Capitol building for the Territory of Nebraska,"

Also,

H. B. No. 95, "An act to prevent trespassing on timber land,"

Also,

H. B. No. 84, "An act to locate a territorial road from Ionia, Dixon county, to Fontenelle, Dodge county,"

H. B. No. 137, "An act to incorporate the Cuming City Ferry Company,"

Also,

H. B. No. 106, "An act to locate a territorial road from Decatur to Columbus and Cleveland,"

Also,

H. B. No. 105, "An act to change the name of Charley Shephard to Charley Ford,"

Also,

H. B. No. 118, "Joint resolution and memorial asking an appropriation to construct a bridge over the Platte river."

G. F. LEE, Com.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day presented to the Governor for his approval or rejection

"An act securing the benefits of the writ of habeas corpus.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, Omaha city,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved a

" Joint resolution to compensate Henry Crowell, Page of the House of Representatives, for services rendered,"

"An act to dissolve the bonds of matrimony between Mary Burton and John N. Burton,"

"An act to provide for the holding of district courts in the county of Dixon,"

"An act to incorporate the Salt creek Bridge and Ferry Company,"

"An act to fix the time for convening the Legislative Assembly,"

"An act to prevent trespassing on timber land,"

"An act to locate a territorial road from Decatur to Columbus and Cleveland,"

" An act to incorporate the Cuming City Ferry Company."

" An act to remunerate James W. Van Nostrand for services rendered to the Committee on Judiciary in the House of Representatives."

" An act entitled an act to locate a territorial road from Ionia, in Dixon county, to Fontenelle, in Dodge county."

" An act to incorporate the town of Pawnee city."

" A joint memorial and resolution."

" An act to organize the county of Hall, to define the boundaries and to locate the county seat thereof."

" An act to establish a ferry across the Platte river near the mouth of Salt creek."

" A joint resolution and memorial asking an appropriation to construct a bridge over the Platte river."

" An act to regulate the appointment and define the powers and duties of notaries public."

" An act to change the name of Charley Shephard to Charley Ford."

" An act securing the benefits of the writ of habeas corpus."

J. McCONIHE,
Private Secretary.

The following message was received from the Council:

COUNCIL CHAMBER,
Nov. 4, 1858.

Mr. Speaker:

I am instructed to inform you that the Council has passed

C. B. No. 162, " Joint resolution to compensate the Chaplains of the Legislative Assembly,"

And the concurrence of the House is requested.

S. M. CURRAN, Chief Clerk.

Mr. Kline moved to take up

C. B. No. 42, "A bill for an act to amend an act entitled an act establishing the mode of locating and changing county seats."

Carried.

Mr. Kline moved the house recede from its amendments to the bill,

On which Mr. Marquette moved the previous question,

Which was sustained.

The main question was ordered.

Lost.

Mr. Daily moved that the House adhere to its amendments to the bill.

Carried.

The following message was received from the Council:

COUNCIL CHAMBER,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 152, "A bill for an act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

C. B. No. 118, "A bill for an act to authorize Hueston Nuckolls, J. G. Lewis and Stephen Story, their associates and assigns, to establish and keep a ferry across the Missouri river, at St. Stephens, in Richardson county,"

Was taken up, and

On motion of Mr. Fleming,

Indefinitely postponed.

The following message was received from the Council:

COUNCIL CHAMBER,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 153, "A bill for an act to amend an act entitled an act for the appointment of masters in chancery,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

H. B. No. 139, "A bill for an act to regulate the disposal and entry of town sites,"

Was taken up, and

On motion,

The amendments of the Council were concurred in.

Mr. Daily moved to take up

H. B. No. 131, "A bill for an act to abolish slavery in the Territory of Nebraska,"

To read first, second and third time, and put it upon its passage, Mr. Rankin moved to indefinitely postpone the bill,

On which the ayes and nays were demanded:

Ayes—Messrs. Bramble, Clayes, Doom, Fleming, Gwyer, Hall, Mason, Noel, Norwood, Ramsey, Rankin, Steele, Steinberger.—13.

Nays—Messrs. Briggs, Collier, Davis of Cass, Davis of Washington, Daily, Dean, De Puy, Lee, Marquette, Seymour, Stewart, Taffe, Wattles, Young, Speaker.—15.

Lost.

Mr. Steinberger moved to postpone the bill until the 4th day of July next,

Upon which the ayes and nays were called:

Ayes—Messrs. Bramble, Clayes, Fleming, Gwyer, Hall, Kline, Mason Norwood, Ramsey, Rankin, Steele, Steinberger.—12.

Nays—Messrs. Briggs, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Lee, Marquette, Noel, Roeder, Seymour, Stewart, Taffe, Wattles, Young.—17.

Lost.

Mr. Briggs moved that the rules be suspended, the bill read first, second and third time, and put upon its passage.

Carried.

The bill was now read first, second and third time, and put upon its passage,

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Collier Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Gwyer, Hall, Kline, Lee, Marquette, Mason, Norwood, Roeder, Seymour, Steele, Stewart, Taffe, Wattles, Young, Speaker.—23.

Nays—Messrs. Bramble, Clayes, Fleming, Ramsey, Rankin, Steinberger.—6.

Carried.

The bill was passed and title agreed to.

Mr. Noel, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor, for approval or rejection,

"An act supplemental to an act entitled an act to establish a Code of Civil Procedure, approved November 1, 1858,"

"An act to amend an act entitled an act for the appointment of masters in chancery,"

"An act to incorporate the Missouri River and Nemaha Valley Rail Road Company," and

"An act to prevent the taking away of books, laws, records and other documents from the territorial library,"

C. B. No. 154, "A joint resolution to compensate T. H. Robertson for services performed," was,

On motion,

Read first, second and third time, passed and title agreed to.

The following message from the Council was received:

Council Chamber,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 107, "An act to incorporate the town of Mahala city, and locate the county seat of Butler county,"

H. B. No. 143, "An act to amend an act entitled an act respecting practice and proceedings in courts of justice, and for other purposes,"

H. B. No. 147, "An act to establish a territorial road from Decatur to Niobrarah,"

H. B. No. 110, "An act to authorize O. A. Hinebaugh and others to build a dam over Maple creek,"

H. B. No. 152½, "Joint resolution requesting the Secretary of the Territory to furnish copies of the printed laws and journals of the present session,"

H. B. No. 72, "An act to establish a territorial road from Florence to the bridge on the little Pappillion,"

H. B. No. 100, "An act to establish and keep a ferry on the Platte river, at Fort Kearney," and

H. B. No. 135, "An act to establish the county of Merick, to define the boundaries and locate the county seat thereof,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

Mr. Davis of Cass moved that a committee of conference to confer with like committee from the Council in reference to

C. B. No. 42, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,'"

Be appointed.

Carried.

The Speaker appointed Messrs. Davis of Cass, Daily and Taffe, said committee.

H. B. No. 64, "A bill for an act to authorize Joel H. Johnson to keep a ferry across the Loup Fork at Genoa, in Monroe county,"

Substitute was,

On motion,

Read first, second and third time, passed and title agreed to.

C. B. No. 98, "A bill for an act to incorporate the Merchants' and Mechanics' Fire and Marine Insurance Company,"

Was taken up.

Mr. Kline moved the bill be read a third time, and put upon its passage.

Mr. Collier moved the bill be indefinitely postponed.

On which the ayes and nays were called:

Ayes—Messrs. Bramble, Briggs, Clayes, Collier, Davis of Cass, Dean, Doom, Fleming, Gwyer, Hall, Roeder, Seymour, Steele, Steinberger, Taffe, Wattles, Young.—17.

Nays—Messrs. De Puy, Kline, Norwood, Rankin, Stewart.—5.

Carried.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Omaha, N. T.,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

The Governor directs me to announce to your honorable body that he has signed an approved

"An act to incorporate the Fremont Ferry Company,"

"An act to amend an act entitled an act for the appointment of masters in chancery,"

"An act supplemental to an act entitled an act to establish a code of civil procedure, approved November 1, 1858,"

"An act to prevent the taking away of books, laws, records, or other public documents, from the territorial library, and to preserve the same,"

"A bill for an act to incorporate the Missouri River and Nemaha Valley Rail Road Company."

J. McCONIHE,
Private Secretary.

C. B. No. 27, "An act to incorporate the Bon Homme City Town and Ferry Company,"

Was read third time, passed and title agreed to.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 149, "An act to restrain cattle, sheep, horses and swine, from running at large in the county of Sarpy,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

The Governor directs me to inform your honorable body that he has signed and approved

"An act to incorporate the town of Mahala city, and locate the county seat of Butler county."

J. McCONIHE,
Private Secretary.

Mr. Lee, from the Committee on Engrossing and Enrolling Bills, reported that he had laid before the Governor, for his approval or rejection,

"An act to incorporate the town of Mahala city and locate the county seat of Butler county."

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body that he has signed and approved

"A joint resolution relative to the laws and journals of the Legislative Assembly of 1858,"

"An act to regulate the entry and disposal of town sites."

J. McCONIHE,
Private Secretary.

Mr. Mason, on leave, introduced

H. B. No. 154, "An act authorizing district courts to provide rules regulating proceedings in chancery,"

On motion,

The rules were suspended,

The bill read first, second and third time, passed and title agreed to.

Mr. Gwyer moved that the Speaker be requested to make out a record of the time each member has served over and above forty days, and deposit the same with the Secretary of the Territory, as evidence on which to base an appropriation for compensation by the general government.

Carried.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 4, 1858.

Mr. Speaker:

I herewith return to your honorable body

H. B. No. 64, "An act to authorize Joel H. Johnson to keep a ferry across the Loup Fork, in Genoa, Monroe county,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

C. B. No. 162, " Joint resolution to compensate the Chaplains of the Legislative Assembly," Mr. Rankin moved that the bill be read first, second and third time by its title, and put upon its passage.

Mr. Clayes moved that the bill be indefinitely postponed.

On which the ayes and nays were called:

Ayes—Messrs. Clayes, Collier, Dean, Fleming, Gwyer, Kline, Mason, Ramsey, Seymour, Steinberger.—10.

Nays—Messrs. Briggs, Davis of Cass, Daily, De Puy, Marquette, Noel, Rankin, Roeder, Taffe, Wattles, Speaker.—11.

Lost.

Mr. Lee from Committee on Engrossing and Enrolling Bills reported that he has laid before the Governor for his approval or rejection

H. B. No. 150, "An act for the relief of paupers."

The following message from the Governor was received:

Executive Department, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"An act for the relief of paupers."

J. McCONIHE,
Private Secretary.

The following message from the Council was received:

Council Chamber,
Nov. 4, 1858.

Mr. Speaker:

I herewith transmit to your honorable body

H. B. No. 142, "An act to amend and make certain the charter of Decatur,"

The same having passed Council amended by striking out the 6th section,

And the concurrence of the House is requested.

I also return

H. B. No. 154, "An act authorizing the judges of the district courts to provide rules regulating the proceedings in chancery,"

The same having passed the Council without amendment.

S. M. CURRAN, Chief Clerk.

The question now being on the motion to suspend the rules and read the bill now before the House the first, second and third time, and put it on its passage.

Mr. Kline moved the previous question, and

Was sustained.

The main question was now ordered and had,

On which the ayes and nays were called:

Ayes—Messrs. Briggs, Davis of Cass, Daily, De Puy, Lee, Marquette, Rankin, Roeder, Seymour, Steinberger, Stewart, Taffe, Wattles.—13.

Nays—Messrs. Clayes, Collier, Dean, Fleming, Gwyer, Kline, Mason, Noel, Ramsey, Steele.—10.

A two-third vote being required, the motion was lost.

Mr. Davis of Cass, Committee of Conference on

C. B. No. 42, "A bill for an act to amend an act entitled 'An act establishing the mode of locating and changing county seats,"

Offered a report which was decided by the Speaker to be disrespectful in its tone, and for that reason was not received.

Mr. Mason, from Committee of investigation, reported sundry papers, and recommended that they lay on the table in order to be printed.

Mr. Lee, from Committee on Engrossing and Enrolling Bills, reported that he had this day laid before the Governor for his approval or rejection

"An act to authorize O. A. Hinebaugh and others to build a dam across Maple creek,"

Also,

"An act to establish the county of Merick, and define the boundaries and locate the county seat thereof."

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to announce to your honorable body, that he has signed and approved

"An act to establish the county of Merick, to define the boundaries and locate the county seat thereof,"

"An act to authorize O. A. Hinebaugh and others to build a mill dam across Maple creek."

J. McCONIHE,
Private Secretary,

Mr. Daily moved that a committee of three be appointed to wait upon His Excellency the Governor, and ascertain if he had any further communications to make with the House.

Carried.

The Speaker appointed Messrs. Daily, Seymour, and Fleming said committee.

Mr. Lee, from Committee on Engrossing and Enrolling Bills, reported that he has laid before the Governor, for his approval or rejection,

"An act authorizing the judges of the district courts to provide rules regulating the proceedings in chancery,"

Also,

"An act to establish and keep a ferry on the Platte river, at Fort Kearney,"

Also,

"An act to locate a territorial road from Decatur to Niobrarah,"

Also.

"An act to license and regulate the sale of malt, spiritous and vinous liquors in the Territory of Nebraska,"

Also,

" Memorial and joint resolution relative to a mail route,"

Also,

"An act to amend an act entitled an act respecting the practice and proceedings in courts of justice, and for other purposes,"

Also,

"An act to incorporate the Blue Springs Bridge and Ferry Company,"

Also,

"An act to authorize Joel H. Johnson to establish and keep a ferry across the Loup Fork river, at Genoe, in Monroe county,"

Also,

"An act to enable the trustees of colleges, academies, universities and other institutions for the purpose of promoting education, to become bodies corporate," and

"An act for the encouragement and protection of live fences."

The following messages from the Governor were received:

EXECUTIVE DEPARTMENT, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body that he has signed and approved

"A memorial and joint resolution relative to a mail route,"

"An act authorizing the judges of the district court to provide rules regulating the proceedings in chancery,"

"An act to license and regulate the sale of malt, spirituos and vinous liquors in the Territory of Nebraska,"

"An act to locate a territorial road from Florence to the bridge on the little Pappillion."

J. McCONIHE,
Private Secretary.

EXECUTIVE DEPARTMENT, Omaha City,
November 4, 1858.

To the House of Representatives:

Mr. Speaker:

I am instructed by the Governor to inform your honorable body, that he has signed and approved

"An act to incorporate the Blue Springs Bridge and Ferry Company,"

"An act to locate a territorial road from Decatur to Niobrarah," "An act authorizing Joel H. Johnson to keep and run a ferry across the Loup Fork of Platte river, at the town of Genoa, in Monroe county,"

"An act for the encouragement and protection of live fences."

J. McCONIHE,
Private Secretary.

On motion of Mr. Daily,
The House adjourned *sine die.*

HIRAM P. BENNET, Speaker.

Attest, E. G. McNEELY, Chief Clerk.

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